BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Disciplinary Action of the Educator Certificate of Victoria Farish Weiss Certificate 290984	**ORDER OF SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on November 5, 2021. In accordance with S.C. Code Ann. § 1-23-370(c) (2017), § 59-5-10 (2017), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Victoria Farish Weiss, educator certificate 290984, as a result of her arrest for misdemeanor possession of marijuana and providing access to cannabis infused edibles to students.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Weiss may pose a threat to the health, safety, and welfare of students, who may be under her instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Weiss' educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Weiss of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Weiss holds a valid South Carolina professional educator certificate and has over three years of educator experience. At the time of the incident, Ms. Weiss was a second grade teacher for Lexington County School District One (District). She resigned from the District on October 13, 2021.

On or about September 23, 2021, a second grade student arrived at an afterschool day care program and asked an adult to help him open a candy package. The adult observed the package was made to appear the same as a commercial candy named Sour

Patch Kids. However, this package was actually a cannabis infused edible that was named Stoney Patch Kids. The staff member spoke to the student and learned he had retrieved the item from Ms. Wiess' prize box in her classroom. He further stated that this was the second candy he had chosen from the box, because Ms. Wiess told him his first choice was "no good." The student's first choice was a bag of gummy worms known as Chuckles, which is also a cannabis infused edible. The student alleged another student had also been asked to trade out their first choice of candy from the prize box.

The daycare staff notified the District, who notified law enforcement. When questioned, Ms. Weiss denied knowledge of the edibles and theorized that they had been accidently mixed in at the factory level since she always bought a mixed bag of candy for the prize box. The District placed Ms. Weiss on administrative leave during an investigation of the incident. Law enforcement located other edibles in Ms. Weiss' home and subsequently arrested her for possession of a controlled substance.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Ms. Weiss may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Weiss' educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Weiss of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "If the agency finds that the public health, safety or welfare imperatively

requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann. § 59-5-10 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Ms. Weiss' unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to her arrest and allowing student access to a controlled substance, there is reason to believe Ms. Weiss may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Victoria Farish Weiss, certificate number 290984, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Weiss of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/ Kristi Woodall
Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
November 5, 2021