§ 2590-j. Appointment and removal of persons in the teaching and supervisory service. 1. Persons in the teaching and supervisory service in all schools in the city system shall be appointed as prescribed by this section.

2. The chancellor shall promulgate minimum education and experience requirements for all teaching and supervisory service positions which shall not be less than minimum state requirements for certification, and with the approval of the city board shall create and abolish the titles of all positions in the teaching and supervisory service.

4. (a) The chancellor shall appoint and assign teachers for all schools and programs under the jurisdiction of the city board from eligible lists of prospective appointees selected by random selection from qualifying eligible lists.

(b) The chancellor shall appoint and assign all supervisory personnel for all schools and programs under the jurisdiction of the city board from persons on qualifying eligible lists.

(c) Consistent with the provisions of sections twenty-five hundred ninety-f, twenty-five hundred ninety-h and twenty-five hundred ninety-i of this article, the district superintendent shall appoint teachers for all schools and programs under the community district's jurisdiction who are assigned to the district by the chancellor from eligible lists of prospective appointees selected by random selection from qualifying eligible lists. Insofar as practicable the chancellor, when making such assignments shall give effect to the requests for assignment of specific persons by the community superintendent. The community superintendent shall appoint such teachers to schools within such district within thirty days if such appointment is to be effective on a date subsequent thereto and within three days if such appointment is to be effective immediately.

(d) Each community superintendent shall appoint and assign all supervisory personnel for all schools and programs under his or her jurisdiction from persons on qualifying eligible lists except for those personnel appointed pursuant to paragraph (d) of subdivision one of section twenty-five hundred ninety-f of this article.

(e) No person who is related within the third degree of consanguinity

or affinity to the chancellor or to any member of the city board or to any community superintendent or to any member of a community board shall commence employment with the city or community district of which such relative is a member, chancellor or superintendent, except upon the consent of two-thirds of the members of the city board or such community board, as the case may be, to be determined at a public meeting of the city board or such community board.

5. (a) The chancellor shall cause a comprehensive reading examination to be administered to all pupils in all schools under the jurisdiction of the community districts annually. Prior to October first of every year each school shall be ranked in order of the percentage of pupils reading at or above grade level as determined by such examination, in accordance with rules to be promulgated by the chancellor.

(b) If the ranking of a school under the jurisdiction of a community district falls in the lower forty-five percent of the ranking of all such schools, as provided in paragraph (a) of this subdivision, the community superintendent of such school (hereinafter called an eligible school) may appoint teachers to such school in conformity with this subdivision, any other provision of this section or chapter notwithstanding, provided, that in the first year during which this paragraph is operative, only a school in the lower forty percent shall be an eligible school.

(c) The community superintendent of each eligible school may between October first in the year in which the foregoing examination was administered and the following May first, appoint any person a teacher in such school for the school year commencing in September of the year following such examination without regard to any competitive eligibility lists or open qualifying lists established pursuant to this section, provided that such person, will on the effective date of such appointment, have the education and experience qualifications for certification as a teacher pursuant to article sixty-one of this chapter and shall:

(i) be on a qualifying eligible list or be on an existing competitive eligible list for such position; or

(ii) have passed a test or tests acceptable to the commissioner at a pass mark established by the commissioner. This paragraph shall not

restrict the right of the chancellor to establish appropriate medical requirements for all teachers. The chancellor shall cause such test or tests to be offered at reasonable intervals at one or more cities in the commonwealth of Puerto Rico.

(d) Such community superintendent may waive his or her rights under paragraph (c) of this subdivision and elect to appoint teachers under paragraph (c) of subdivision four of this section.

(e) All teachers appointed under paragraph (c) of this subdivision shall for all purposes, have the same status, rights and duties as teachers appointed under paragraph (c) of subdivision four of this section.

6. If a vacancy exists for a teaching position in any community district for which there are no names on any appropriate eligible list in force, the community superintendent of such district may appoint and assign any person to fill such position who complies with paragraph (c) of subdivision five of this section.

6-a. (a) Notwithstanding any other provision of law, any person who has served continuously as a substitute teacher in the schools of the city system since the fourteenth day of September, nineteen hundred seventy shall be appointed to probationary service in the school he is serving in as of June first, nineteen hundred seventy-two effective September sixth, nineteen hundred seventy-two provided a vacancy exists in the school for the school year commencing September nineteen hundred seventy-two and provided his name appears on an appropriate eligible list in existence on June first, nineteen hundred seventy-two without regard to his relative standing on such list, and thereafter he shall be subject to all the existing provisions of law and negotiated agreements in the same manner as any other appointee.

(b) Notwithstanding any other provision of law, persons awaiting appointment from eligible lists shall be assigned and appointed in ranked order by the city board on September sixth, nineteen hundred seventy-two to those vacancies which were in existence on June first, nineteen hundred seventy-two and continued to be in existence on September sixth, nineteen hundred seventy-two.

7. (a) No member of the teaching or supervisory staff of schools who has served the full and appropriate probationary period prescribed by, or in accordance with law, shall be found guilty of any charges except after a hearing as provided by section three thousand twenty-a of this chapter.

(b) Charges may be initiated by the community superintendent against any such employee for any of the following offenses:

(1) Unauthorized absence from duty or excessive lateness;

(2) Neglect of duty;

(3) Conduct unbecoming his position, or conduct prejudicial to the good order, efficiency or discipline of the service;

(4) Incompetent or inefficient service;

(5) A violation of the by-laws, rules or regulations of the city board, chancellor, or the community board; or

(6) Any substantial cause that renders the employee unfit to perform his obligations properly to the service.

(c) The community superintendent, in advance of the filing of charges and specifications, shall inform the employee accused and the community board of the nature of the complaint. No charge shall be brought outside the statute of limitation period provided for in section three thousand twenty-a of this chapter.

(d) Upon the service of a copy of the charges upon such employee, the community superintendent may recommend to the chancellor the suspension of any such employee. If the chancellor shall determine that the nature of the charge requires the immediate removal of the employee from his assigned duties, he may suspend such employee for a period not exceeding ninety days pending hearing and determination of charges, provided however, that such employee shall be entitled to receive full compensation during the period of suspension. In case the employee is acquitted, he shall be restored to his position.

8. The community superintendent may transfer members of the teaching and supervisory service without their consent within the district for the following reasons only:

(a) Disciplinary action pursuant to subdivision seven of this section,

(b) Excess staff in a specific school,

(c) To staff a new school, or

(d) To fill a vacancy in another school within the district; provided, however, (i) that such transfers shall be made in inverse order of seniority in the school from which made, (ii) that the school to which the person is transferred has a higher number of vacant positions subsequent to such transfer than the school from which transferred, (iii) that there is no appropriate eligible list for such position, (iv) that no other qualified person within the district makes application to fill such position, and (v) such vacancy has existed for at least two weeks.

In exercising the power granted in paragraphs (b) and (c), hereof the community superintendent shall comply with all collective negotiation agreements.

8-a. Notwithstanding the provisions of subdivision eight of this section, a community superintendent shall request the chancellor to transfer a principal pursuant to subdivision twenty-five of section twenty-five hundred ninety-h of this article, or to remove or otherwise discipline the principal pursuant to section three thousand twenty-a of this chapter, or to require the principal to participate in training and staff development, or to take other actions to promote student achievement and school performance, where appropriate, consistent with the obligations of the superintendent pursuant to section twenty-five hundred ninety-f and the provisions of section twenty-five hundred ninety-i of this article.

9. (a) Notwithstanding any other provision of law, appointments of persons to vacancies in teaching positions in the city system shall be made in the following order:

(1) Persons who have been displaced from other positions and persons on preferred lists, in accordance with the provisions of section twenty-five hundred eighty-eight of this chapter.

(2) Persons on eligible lists who were employed in the city school district who have served satisfactorily for two terms as a regular appointee or as a regular substitute or as a per diem certificate holder in any license area or four terms as a paraprofessional or school aide provided that such service was not rendered more than five years prior

to the date of promulgation of the qualifying eligible list on which their names appear.

(3) All other persons, as otherwise provided in this chapter.

(4) Nothing contained in subparagraphs two or three of this subdivision shall be construed to prevent a community superintendent of an eligible school as defined in subdivision five of this section from electing to appoint persons in the manner authorized in said subdivision.

(b) Subject to the provisions of subdivision two of section twenty-five hundred ninety-i of this article with respect to principals, appointments pursuant to subparagraph two of paragraph (a) of this subdivision shall be made in the manner prescribed in subdivision ten of section twenty-five hundred seventy-three of this chapter and in subdivision four of this section as if the persons covered by such subparagraphs constituted the entire list.