

day in May. At this meeting the board shall each year elect one of its members to serve as president, and one to serve as vice-president. Other regular meetings shall be held on the last Wednesday of August, November and February, and such special meetings may be held as the duties and business of the board may require.

For a résumé of the powers and duties of the state board of education, see *Duer v. Dashiell*, 91 Md. 669.

See sec. 5.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1872, ch. 377.  
1904, ch. 584. 1906, ch. 356. 1916, ch. 506, sec. 10.

10. The members of the state board of education shall receive no salary, but their actual traveling and other necessary expenses incurred in attending the meetings and transacting the business of the board shall be paid. The state superintendent of schools shall be the chief executive, the secretary and the treasurer of the state board of education. He shall attend all meetings of the board and of its committees, except when his own tenure, salary or the administration of his office are under consideration, and shall have the right to advise on any question under consideration, but shall have no right to vote.

See note to sec. 9 (this article).

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1870, ch. 311. 1872, ch. 377, sub-ch. 3, sec. 4. 1874, ch. 463. 1898, ch. 221. 1904, ch. 584.  
1916, ch. 506, sec. 11. 1920, ch. 249, sec. 11.

11. The State Board of Education shall, to the best of their ability, cause the provisions of this Article to be carried into effect. They shall determine the educational policies of the State; they shall enact by-laws for the administration of the public school system, which when enacted and published shall have the force of law. For the purpose of enforcing the provisions of this Article, and the enacted and published by-laws of the Board, the State Board of Education shall, if necessary, institute legal proceedings. The State Board of Education shall explain the true intent and meaning of the law, and they shall decide, without expense to the parties concerned, all controversies and disputes that arise under it, and their decision shall be final; and the secretary of the State Board of Education shall have authority to administer oaths, in any part of the State, to witness in any matter pending before said Board.

This section referred to in construing sec. 149—see notes thereto. *Williams v. Fitzhugh*, 147 Md. 386.

This section does not authorize the county superintendent or State Board of Education to determine legal effect of a contract between an agency of the school system and an individual for the performance of a specified duty. *Board of Education v. Cearfoss*, 165 Md. 186.

By-law of State Board setting minimum requirement for certificates to be granted teachers under secs. 27, 28, 86 and 88 was valid exercise of discretion under this section. *Metcalf v. Cook*, 168 Md. 475.

Under secs. 88 and 186, while the principal teachers of district schools are appointed by district trustees subject to confirmation by school commissioners, the latter have direct control of high schools, and authority to appoint principal and assistant teachers thereof. The control, however, given to school commissioners of high schools is subject to the provisions of this section; hence the determination of the school commissioners relative to dismissal of a teacher of a high school is subject to visitatorial power of state board; action of latter cannot be controlled by courts. The question of which of two persons shall be recognized as a teacher of a school involves the proper administration of school system. *Zantzinger v. Manning*, 123 Md. 177. And see *School Commissioners v. Morris*, 123 Md. 402; *School Commissioners v. Breeding*, 126 Md. 86.

This section does not give state board of education authority to determine purely legal questions; the courts have jurisdiction to pass on such questions. Cases involving only proper administration of public school system, distinguished. The act of 1904,