

(2) "COMPENSATION" DOES NOT INCLUDE ACTUAL AND NECESSARY EXPENSES THAT ARE INCURRED BY A VOLUNTEER IN CONNECTION WITH THE SERVICES THAT THE VOLUNTEER PERFORMS FOR A COUNTY BOARD OF EDUCATION AND THAT ARE REIMBURSED.

(3) "COUNTY BOARD EMPLOYEE" MEANS:

{1} (I) Any employee whose compensation is paid in whole or in part by a county board;

{2} (II) A student teacher; -{or}-

{3} (III) An elected or appointed member of the county board; OR

~~{4} A VOLUNTEER WHO, AT THE REQUEST OF THE COUNTY BOARD, AND UNDER ITS CONTROL AND DIRECTION, WAS PROVIDING SERVICES OR PERFORMING DUTIES FOR THE BOARD.~~

(4) "VOLUNTEER" MEANS AN INDIVIDUAL WHO, AT THE REQUEST OF THE COUNTY BOARD, AND UNDER ITS CONTROL AND DIRECTION, PROVIDES SERVICES OR PERFORMS DUTIES FOR THE BOARD WITHOUT COMPENSATION.

(b) (1) The county board shall be joined as a party to an action against a county board employee OR VOLUNTEER that alleges damages resulting from a tortious act or omission committed by the employee in the scope of employment OR BY THE VOLUNTEER WITHIN THE SCOPE OF THE VOLUNTEER'S SERVICES OR DUTIES.

(2) The issue of whether the county board employee acted within the scope of employment may be litigated separately.

(3) THE ISSUE OF WHETHER THE VOLUNTEER ACTED WITHIN THE SCOPE OF THE VOLUNTEER'S SERVICES OR DUTIES MAY BE LITIGATED SEPARATELY.

(c) {1} A county board employee acting within the scope of employment, without malice and gross negligence, is not individually liable for damages resulting from a tortious act or omission for which a limitation of liability is provided for the county board under § 4-105 of this subtitle, including damages that exceed the limitation on the county board's liability.

(D) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY TO A VOLUNTEER.

(2) A VOLUNTEER WHO ACTS WITHIN THE SCOPE OF THE VOLUNTEER'S SERVICES OR DUTIES IS NOT INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM A TORTIOUS ACT OR OMISSION BEYOND THE LIMITS OF ANY PERSONAL INSURANCE THE VOLUNTEER MAY HAVE UNLESS: