

(c) A county board of education may not raise the defense of sovereign immunity to any claim of \$100,000 or less.

(d) (1) The county board shall be joined as a party to an action against a county board employee, COUNTY BOARD MEMBER, or volunteer that alleges damages resulting from a tortious act or omission committed by the employee in the scope of employment, BY THE COUNTY BOARD MEMBER WITHIN THE SCOPE OF THE MEMBER'S AUTHORITY, 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 COUNTY BOARD MEMBER ACTED WITHIN THE SCOPE OF THE MEMBER'S AUTHORITY MAY BE LITIGATED SEPARATELY.

[(3)](4) The issue of whether the volunteer acted within the scope of the volunteer's services or duties may be litigated separately.

(e) A county board employee acting within the scope of employment, without malice and gross negligence, is not personally liable for damages resulting from a tortious act or omission for which a limitation of liability is provided for the county board under subsection (b) of this section, including damages that exceed the limitation on the county board's liability.

(F) (1) A COUNTY BOARD MEMBER, ACTING WITHIN THE SCOPE OF THE MEMBER'S AUTHORITY, WITHOUT MALICE AND GROSS NEGLIGENCE, IS NOT PERSONALLY LIABLE FOR DAMAGES RESULTING FROM A TORTIOUS ACT OR OMISSION FOR WHICH A LIMITATION OF LIABILITY IS PROVIDED FOR THE COUNTY BOARD UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING DAMAGES THAT EXCEED THE LIMITATION ON THE COUNTY BOARD'S LIABILITY.

(2) IN ADDITION TO THE IMMUNITY PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A COUNTY BOARD MEMBER IS IMMUNE AS AN INDIVIDUAL FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IF THE MEMBER IS ACTING:

- (I) WITHIN THE SCOPE OF THE MEMBER'S AUTHORITY;
- (II) WITHOUT MALICE; AND
- (III) IN A DISCRETIONARY CAPACITY.

[(f)](G) (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 personally liable for damages resulting from a tortious act or omission beyond the limits of any personal insurance the volunteer may have unless:

(i) The damages were the result of the volunteer's negligent operation of a motor vehicle; or

(ii) The damages were the result of the volunteer's willful, wanton, malicious, reckless, or grossly negligent act or omission.