

FREQUENTLY ASKED QUESTIONS  
14 CFR, PART 141  
ARRANGED BY SECTION

**CHANGE NOTICE**

**General Aviation and Commercial Division, AFS-800**

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REVISION #21, DATE: October 12, 2004  
INCORPORATES NEW Q&A Nos: 201a, 290a, 377a, 529a, 539a, and 613 through 640  
WITH THE PREVIOUS Q&As Nos. 1 through 612

UPDATE YOUR FAQs at:

Part 61 FAQs at: <http://www.faa.gov/avr/afs/afs800/docs/pt61FAQ.doc>

Part 141 FAQs at: <http://www.faa.gov/avr/afs/afs800/docs/pt141FAQ.doc>

Additional document and linkage for the "Aeronautical Experience Check List" which is a file that contains an aeronautical experience checklist to assist in checking an applicant's FAA Form 8710-1-Airman Certificate and/or Ratings: <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>

The source of answers is John D. Lynch, Certification And Flight Training Branch, AFS-840, Washington, DC unless otherwise noted.

**Disclaimer Statement:** The answers provided to the questions in this website are not legal interpretations. Only the FAA's Office of Chief Counsel and Regional Chief Counsel provide legal interpretations. The FAA's Office of Chief Counsel does not review this website nor does it disseminate legal interpretations through it. However, there are some answers provided in this website where the FAA Office of Chief Counsel's legal interpretations have been reprinted.

The answers in this website address *Frequently Asked Questions* on 14 CFR Part 141 and represents FAA Flight Standards Service policy as it relates to this regulation. The answers are as result of questions asked by FAA Flight Standards Service's Regional Offices, District Offices, and from concerned people from the public. The answers provide for standardization.

*Policy statement about this Q&A document from the Director of Flight Standards Service, AFS-1*



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# Memorandum

**Subject:** **INFORMATION:** Flight Standards Service websites that answer questions about Part 61, Part 141, and Part 142.

**Date:** JUN 3 2004

**From:** Director, Flight Standards Service, AFS-1

**Reply to:** J. Lynch; (202) 267-3844 and  
**Attn. of:** R. Grasel; (202) 493-4319

**To:** All Regional Flight Standards Service Managers and Flight Standards District Office Managers

The General Aviation and Commercial Division, AFS-800, Flight Standards Service has established 4 official websites that provide answers to questions on Part 61, Part 141, and Part 142. These websites are located at:

"Part 61 FAQs": <<http://www.faa.gov/avr/afs/afs800/docs/pt61FAQ.doc>>

"Part 141 FAQs": <<http://www.faa.gov/avr/afs/afs800/docs/pt141FAQ.doc>>

"Part 142 Training Centers": <<http://intranet.faa.gov/avr/afs/part142/index.htm>>

"Part 142 Training Centers": <<http://www.faa.gov/avr/afs/afs800/afs840/part142/index.cfm>>

Those websites are maintained by the FAA's Certification and Flight Training Branch, AFS-840.

There is a disclaimer statement at the beginning of each of these websites that state the answers provided are not legal interpretations. Only the FAA's Office of Chief Counsel and Regional Chief Counsel provide legal interpretations. However, it is important that our personnel be aware of these websites. I want it understood that the answers and information provided on these websites are official FAA Flight Standards policy about Part 61, Part 141, and Part 142.

  
James J. Ballough

**The following are a listing of the new Q&As that have been added or revised:**

Q&A-201a Flight Standards HBGA 00-08, paragraphs 2. D. and 3 and § 141.39(d); What is meant by “two pilot stations?” Are engine power controls the only controls that are required? What about rudder controls? How about brake controls? How about flight controls?

Q&A-614 Various Part 141 Questions from AMC-230

Q&A-614 FAA Order 8700.1, Vol. 2, page 142-8, Section 2, paragraph 5. D.(1); Can we get a national policy that would allow an approval stamp on the list of effective pages on a TCO instead of the current requirement of stamping every page? [**Located in the miscellaneous questions at the end of the document**]

Q&A-614 § 141.33(a)(1); Ultimately, the responsible party is always the pilot school itself (*See* § 141.3). I don't see a problem allowing the appointment of more than one chief instructor plus no place in Part 141 does it restrict a pilot school from appointing more than one chief instructor. In some of the larger pilot schools, it wouldn't be practicable to just have one chief instructor.

Q&A-614 Flight Standards HBGA 00-08, paragraphs 2. D. and 3 and § 141.39(d); I made a mistake on how I answered Q&A-201.

Q&A-614 § 141.87(b) and (d) and FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B; There hasn't been any precedent setting case law on allowing a Part 141 pilot school to continue to operate indefinitely beyond 60 days without a chief instructor as long as there is an assistant chief instructor.

Q&A-614 In the past, AFS-800 discussed the Q&A document with the FAA Office of Chief Counsel and it was agreed that the Frequently Asked Questions would remain Flight Standards Service policy only. [**Located in the miscellaneous questions at the end of the document**]

Q&A-614 § 141.55(e)(2)(ii); Absolutely, that same logic would apply. It was never the intent of subparagraph (ii) in § 141.55(e)(2) to allow a 80% pass rate on a knowledge test to be counted toward qualifying a pilot school for a “reduced time training course” for the flight training portion.

Q&A-614 Part 141, Appendix I, paragraph 4(a) and Commercial Pilot Practical Test Standards for Airplane (SEL, MEL, SES, MES) FAA-S-8081-12B; page 7; There is a separation between what is required to be in a Part 141 training course and what is allowed procedurally on the practical test.

Q&A-616 Various Part 141 Questions from AMC-230

Q&A-616 § 141.38(a) and § 141.55(c)(4) and (5); Because of the requirements of § 141.38(a), it could not be approved without the pilot school first receiving a grant of exemption.

Q&A-616 § 141.37(b)(2); No, a POI may not limit a check instructor's authority.

Q&A-616 § 141.35(e); The intent of § 141.35(e) is to address the chief instructor qualifications for a ground school course only. The intent of § 141.35(a), (b), (c), and (d) is to address the chief instructor qualifications for a flight school course only or a combined ground and flight school course.

Q&A-616 § 61.193; No, a flight instructor who does not hold a helicopter rating on his flight instructor certificate may not serve as the chief instructor of a Part 141 private pilot helicopter ground school course. [**Located in the miscellaneous questions at the end of the document**]

Q&A-616 § 61.129(c)(3)(i), Yes, allowing the instrument training at the commercial pilot certification level for the helicopter rating was written that way intentionally. [**Located in the miscellaneous questions at the end of the document**]

Q&A-625 § 141.33(d)(2); Check instructor designation; § 141.5(d); The results of a comprehensive final exam may not be counted in lieu of an FAA knowledge test. § 141.35(b)(2), (c)(3), and (d)(2); Foreign flight instructor experience may not be counted toward meeting the chief instructor aeronautical experience requirements of § 141.35(b)(2), (c)(3), and (d)(2).

Q&A-628 FAA Notice 8700.29 paragraphs 4 and 5.b.(1); The training should be incorporated into the TCOs and need not be incorporated into the pilot school's safety procedures of § 141.93(a)(3).

Q&A-629 § 141.85(b) and FAA Order 8700.1, pages 143-2 and 143-3, paragraph 11.B. and C.(4): No, training in the Private Pilot Airplane Single Engine Land Certification Course would not need to be terminated if the chief instructor of the Instrument Airplane Rating Course was delegated to act on behalf of the chief instructor of the Private Pilot Airplane Single Engine Land Certification Course.

Q&A-630 § 141.55(d)(1); The rule only requires that your pilot school have held a Part 141 pilot school certificate (emphasis added: "a pilot school certificate," not a provisional pilot school certificate) for at least 24 consecutive calendar months preceding the month of your request for a reduced time course.

Q&A-630 § 141.55(d)(1); Yes, provided your pilot school has held its pilot school certificate for at least 24 consecutive calendar months preceding the month of your request for reduced time course.

Q&A-630 § 61.39(a)(6); A recommending instructor's signature is not required on the "Instructor's Recommendation" on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application for a graduate of an approved Part 141 course who has been issued a graduation certificate. **[Located in the miscellaneous questions at the end of the document]**

Q&A-630 § 141.35 and FAA Order 8700.1, Vol. 2, Chapter 143, page 143-1, paragraph 5.A.; Yes, an examiner may also be the owner of the Part 141 pilot school. Yes, an Examiner may serve as the Chief Instructor of a Part 141 pilot school. Yes, an Examiner who is the owner and/or chief instructor of a Part 141 pilot school may also administer practical tests to students of his/her pilot school.

Q&A-630 Part 141, appendix I, paragraph 4(a); The minimum required course times for an add-on Airplane Multiengine Land class rating course at the Commercial Pilot Certification level.

**QUESTION:** What is the legal status of the Q&A website? Considering the authority of Practical Test Standards, Public Laws, statutes, Federal Regulations, FAA Orders, FAA Notices, FAA Bulletins, legal interpretations, where does the Q/A website fit in the degree of authority in comparison to the other references and rules? Will the Q/A website ever "go away"?

**ANSWER:** The legal status of the FAQ's is as stated on the disclaimer statement on the front page of the Q&A document.

The answers provided in the FAQ's, in the order of authority, would probably be No. 7.

1. Public Law/statutes
2. Federal Regulations
3. FAA legal interpretations (for those interpretations that have been updated to conform to the current rules).
4. FAA orders (for those directives/guidance that have been updated to conform to the current rules)
5. FAA notices (for those directives/guidance that have been updated to conform to the current rules)
6. FAA bulletins (for those directives/guidance that have been updated to conform to the current rules)
7. Parts 61 & 141 Frequently Asked Questions, (FAQ's)
8. FAA Advisory Circulars

The Practical Test Standards (PTS) are not in the list. The PTS derive authority from Public Law 103-272, § 44703(a) [old § 603 of the Federal Aviation Act of 1958, as amended] which gives the FAA the legal authority to require an individual to be tested by the standards established by the FAA before the FAA is required to issue that

individual an FAA airman certificate. Section 61.33, provides the FAA the legal authority to conduct knowledge tests and practical test.  
{Q&A-457}

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## PART 141

**QUESTION:** What is the status of the information in the part 61/141 Q/A? Is it regulatory, an order, AFS policy, FAA HQ policy.

**ANSWER:** The authority of the Part 61/141 Q&A website is strictly Flight Standards policy on parts 61 and 141 for standardization purposes. As we all know, only an administrative law judge can establish a legal precedent to make a rule legally binding. Even the FAA Chief Counsel offices at FAA HQ and at the regional offices only issue legal opinions. However, FAA Chief Counsel office legal opinions certainly carries more “weight/authority” than these Q&As on this website have. But only an administrative law judge can issue a legal ruling that establishes a legal precedent that makes the rule legally binding. And then there have been those times where the NTSB may overrule one of their administrative law judge's legal ruling.  
{Q&A-435}

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**QUESTION:** When an applicant completes an approved Part 141 course of training, does an examiner need to review the times in Section III “Record of Pilot Time” on the Airman Certification and/or Rating Application (FAA Form 8710-1) to insure the applicant’s aeronautical experience meet Part 141 aeronautical experience requirements, as appropriate? Does the applicant even need to complete Section III “Record of Pilot Time” on the Airman Certification and/or Rating Application (FAA Form 8710-1)

**ANSWER:** Ref. § 61.39(a)(7) and § 61.71(a); Yes, the FAA would expect an examiner to review the times on the “Airman Certification and/or Rating Application” (FAA Form 8710-1) to insure the applicant’s aeronautical experience meet the appropriate aeronautical experience requirements of Part 141.

And yes, the applicant is required to enter his/her aeronautical experience in Section III “Record of Pilot Time” because as per § 61.39(a)(7) it states “Have a completed and signed application form.”

However, the aeronautical experience times may not meet the appropriate minimum aeronautical experience requirements of Part 61, because Part 141 provides for less course approval times. And § 141.55(d) or (e) provides for course approval “. . . without specifying the minimum ground and flight training time requirements of this part . . .” so it is possible for an applicant who graduates from an approved Part 141 training course to have less time than the minimum aeronautical experience requirements of Part 61.

As per § 61.71(a), if an applicant is a graduate of Part 141 approved course of training, that applicant “. . . is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part” (e.g., Part 61). But no place does it provide that the applicant needn't complete Section III “Record of Pilot Time” on the Airman Certification and/or Rating Application (FAA Form 8710-1). And per § 61.39(a)(7), it requires that the applicant “Have a completed and signed application form.”

Now during an examiner’s review of the applicant’s “Airman Certification and/or Rating Application” (FAA Form 8710-1) in Section III “Record of Pilot Time” if the examiner were to find that the times were less than the required Part 141 aeronautical experience requirements, then the FAA expects that examiner to at least question the local FAA FSDO or the Chief Instructor about it. Knowing the way most Part 141 schools operate, an examiner could question the school’s Chief Instructor and the matter would probably get resolved right then.  
{Q&A-231}

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**QUESTION:** When an applicant has completed/graduated from a Part 141 training course, does the applicant/school need to show the applicant's aeronautical experience time in Section III - Record of Pilot Time on the “Airman Certification and/or Rating Application” (FAA Form 8710-1)? And does the examiner need to verify that the applicant's time shown in Section III - Record of Pilot Time on the “Airman Certification and/or Rating

Application” (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating the applicant is seeking?

**ANSWER:** Ref. § 61.39(a)(7) and FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6); Per § 61.39(a)(7), the applicant's aeronautical experience time must be shown in the appropriate blocks of Section III - Record of Pilot Time on the “Airman Certification and/or Rating Application” (FAA Form 8710-1). As per § 61.39(a)(7), it requires that the applicant “Have a completed and signed application form.” And on the instruction sheet of the “Airman Certification and/or Rating Application” (FAA Form 8710-1), it states:

**III. RECORD OF PILOT TIME.** The minimum pilot experience required by the appropriate regulation must be entered. It is recommended, however, that ALL pilot time be entered. If decimal points are used, be sure they are legible. Night flying must be entered when required. You should fill in the blocks that apply and ignore the blocks that do not. Second In Command “SIC” time used may be entered in the appropriate blocks. Flight Simulator, Flight Training Device and PCATD time may be entered in the boxes provided. Total, Instruction received, and Instrument Time should be entered in the top, middle, or bottom of the boxes provided as appropriate.

And per FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6), the FAA expects the examiner to verify that the applicant's aeronautical experience time shown in Section III - Record of Pilot Time on the “Airman Certification and/or Rating Application” (FAA Form 8710-1) in applicant’s “Airman Certification and/or Rating Application” (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating that the applicant is seeking.

The FAA expects an examiner to review Section III - Record of Pilot Time of the Airman Certification and/or Rating Application” (FAA Form 8710-1). However, if the times do not meet the minimum aeronautical experience requirements and/or the course approval times, then the FAA expects the examiner to inquire why the applicant’s times do not meet the requirements. And yes, as I previously mentioned, it may be the school’s approved course of training is one that has been approved in accordance with § 141.55(d) or (e). But a simple conversation with the Chief Flight Instructor or with the local FSDO (the principal operations inspector who has oversight of the school) should be able resolve any questions.

{Q&A-231}

## § 141.5 Requirements for a Pilot School Certificate

**QUESTION:** Situation: A community college has a Part 141 pilot school with a pilot ground school course rating. The school offers the course for college credit and conducts a comprehensive final exam. Many of the students do not take the FAA knowledge test and the school has no method in place to track the results of the FAA knowledge tests that are taken. May the results of the final exam (end of course test) be used to determine the school's 80% first time pass rate for renewal?

**ANSWER:** Ref. § 141.5(d); Only if the comprehensive final exam was for an end-of-course test for a training course specified in appendix K to this part. Otherwise, the answer would be is no. *Meaning*, the results of a comprehensive final exam may not be counted in lieu of an FAA knowledge test. As per § 141.5(d), “. . . at least 10 students for a knowledge test . . . for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K to this part . . .”

{Q&A-625}

**QUESTION:** Our school is a Part 141-approved school that holds examining authority for some of its Part 141 pilot training courses. When our students are administered the “end-of-course” test, they either pass the “end-of-course” test or they are required to undergo more training if they don't successfully complete the “end-of-course” test. But they never fail an “end-of-course” test. They are just required to complete more training if they don't successfully complete the “end-of-course” test. Besides being the school's Chief Flight Instructor, I am also the school's Airman Certification Representative (ACR), and I never issue a “pink slip.” I was never issued any pink slips (i.e., Notice of Disapproval of Application, FAA Form 8060-5) by my FSDO.

My FSDO is requesting that I keep a Pass-Fail record for our students who are administered our "end-of-course" test so that the 80% quality of instruction pass rate can be computed. Do the pass-fails conducted under examining authority under 14 CFR, part 141, subpart D count toward the 80% quality of instruction pass-fail rate required for renewal of my school certificate?

**ANSWER:** Ref. § 141.5(d), § 141.27(a)(2) and FAA Order 8700.1, Vol. 2, Chapter 141, page 141-11, paragraph 19.A.(2) and Chapter 144, page 144-4, paragraph 5.C.(3)(c); Yes; the pass-fails of a school's comprehensive end-of-course tests conducted under examining authority under 14 CFR, part 141, subpart D count toward the 80% quality of instruction pass-fail rate required for renewal of a Part 141 school certificate. A Part 141 school that holds examining authority for a pilot training course must keep a Pass-Fail record on its comprehensive "end-of-course" tests so that it can show its quality of instruction pass-fail rate meets or doesn't meet the required 80% quality of instruction pass-fail rate.

Per § 141.5(d), it states, in pertinent part, ". . . at least 80 percent of **all** tests administered were passed on the first attempt . . ." Emphasis added ". . . all tests . . ." And for clarification purposes, the intent of ". . . all tests . . ." means a comprehensive "end-of-course test" for any course with examining authority and the use of the results of that comprehensive "end-of-course test" will be used as a "counter" to determine the school's overall 80% quality of instruction pass-fail rate.

It is understood that an ACR is not authorized to issue the Notice of Disapproval of Application, FAA Form 8060-5; however, a school is required to maintain a Pass-Fail record on its comprehensive "end-of-course" tests so that it can show its quality of instruction pass-fail rate meets or doesn't meet the required 80% quality of instruction pass-fail rate.

As a side issue, you stated in your question ". . . Besides being the school's Chief Flight Instructor, I am also the school's Airman Certification Representative (ACR) . . ." I was wondering how can that be, considering FAA Order 8700.1, Chapter 147, Volume 2, Section 2, paragraph 5.E.(3) states:

"(3) Determine whether the applicant holds a management or administrative position within the pilot school organization that is superior to the chief flight instructor designated for each course of training conducted under the examining authority."

So I don't see how you can be both the ACR and Chief Instructor? It is being taught at the Part 141 Aviation Safety Inspector Training Course at the FAA Academy in Oklahoma City that an ACR cannot also be the chief instructor. As per FAA Order 8700.1, Chapter 147, Volume 2, Section 2, paragraph 5.E.(3), the ACR must be in a position superior to the chief instructor.

{Q&A-465}

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**QUESTION:** Do the pass-fails conducted under examining authority under 14 CFR, part 141, subpart D count toward the 80% quality of instruction pass rate required for renewal of school certificates?

**ANSWER:** Ref. § 141.5(d), § 141.27(a)(2); Yes; per § 141.5(d) as it states, in pertinent part, ". . . at least 80 percent of all tests administered were passed on the first attempt . . ." Emphasis added ". . . all tests . . ."

Furthermore, an all-inclusive, comprehensive "end of course" test used by a pilot school in a course with examining authority (flight only) may be used by that school as a "counter" to satisfy the requirements of § 141.5(d). An all-inclusive, comprehensive end of course test may be used as a "counter" in the same manner as the results of a practical test conducted under the certification requirements of part 61 may be used by a school whose course does not hold examining authority. And that same reasoning also applies to the all-inclusive, comprehensive end of course knowledge test used by a pilot school in a course approved with examining authority (ground only) may be used by that school as a "counter" to satisfy the requirements of § 141.5(d). An all-inclusive, comprehensive end of course knowledge test may be used as a "counter" in the same manner as the results of a knowledge test conducted under the certification requirements of part 61 may be used by a school whose course does not hold examining authority.

{Q&A-376}

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**QUESTION:** Do the phase tests count or just the end of course tests count toward determining the 80% quality of instruction pass rate for renewal of a school certificate, even if the ending test is, in effect, a progressive kind of test and not a final end of course test that is one all-inclusive, overall kind of end of course test?

**ANSWER:** Ref. § 141.5(d); The intent of the rule is to count only the “end of course test” for calculating the 80% quality of instruction pass rate. And as per § 141.5(d), those tests include “. . . a knowledge or practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K to this part, or any combination of those tests . . .” It does not count if it is merely an intermediate phase test.

Only a comprehensive, all-inclusive “end of course” test can be used as a counter under § 141.5(d), and then, only if the course has examining authority for that portion of the course (i.e., knowledge or practical test that was accomplished under an approved examining authority). The “end of course” test or final phase test in a course of training that is not approved examining authority cannot be used as a counter for § 141.5(d) purposes. The provisions of § 141.5(d) require that the tests used as “counters” must be knowledge or practical tests that are accomplished for a pilot, flight instructor, ground instructor, or an additional rating certification or for an end of course test for an appendix K course. Therefore, only the end of course tests that can be counted as “counters” under § 141.5(d) [*for meeting the 80% pass rate criteria or the 10 graduates quantity criteria*] are the “end of course” tests that are approved under appendix K courses or the comprehensive, all-inclusive “end of course” tests that approved under an approved examining authority course [i.e., § 141.5(d), in pertinent part “. . . a knowledge or practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K to this part, or any combination of those tests . . .”]

However, read on what our policy is when a school with examining authority requests progressive phase tests for the end of course test. Don't approve it! That goes for even schools without examining authority, don't approve progressive phase tests for the end of course test. . Don't approve it! One of the basic concepts of a pilot school having examining authority includes that the issuance of a certificate or rating be without the need for any further testing by the FAA. However, per § 141.67(c), “Tests given by a pilot school that holds examining authority must be approved by the Administrator and be at least equal in scope, depth, and difficulty to the comparable knowledge and practical tests prescribed by the Administrator under part 61 of this chapter.” Emphasis added these tests “. . . must be approved by the Administrator . . . be at least equal in scope, depth, and difficulty to the comparable . . .” So per § 141.67(c), the FAA/POI has the authority to require a school's “end of course” test to be a comprehensive, all-inclusive “end of course” test. By requiring a school to administer a comprehensive, all-inclusive “end of course” test would then make it possible for a school's “end of course” test to be able to be counted in the determination of the quantity and quality requirements of § 141.5(d). Requiring a school's “end of course” test to be a comprehensive, all encompassing test would satisfy the requirements of § 141.5(d) for “. . . all tests administered were passed on the first attempt.”

{Q&A-376}

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**QUESTION:** Ref. § 141.101(d) and § 141.5(d); This rule only requires a school to retain a student's records for 1 year from the date the student: (1) Graduates from the course to which the record pertains; (2) Terminates enrollment in the course to which the record pertains; or (3) Transfers to another school. But § 141.5(d) requires, in effect, that the records be maintained “. . . 24 calendar months preceding the month the application is made for the pilot school certificate. What is it, 1 year or 24 calendar months?

**ANSWER:** Per § 141.5(d), a school would have to have records that can show the school “Has trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate . . .”

However, the rule doesn't necessarily require that the school maintain all of the student's records. The school would only need to retain the records that can show the school “Has trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate . . .”, [i.e., as per § 141.5(d)]. So, a copy of the student's graduation certificate, the completed FAA Form 8710-1 “Airman Certificate and/or Rating Application,” and “Temporary Airman Certificate” would suffice.

{Q&A-247}

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**QUESTION:** What is meant by the phrase “. . . or any combination of those tests . . .” that is contained in § 141.5(d)? And do completion of Appendix K courses count for issuance of a school certificate and renewal of a school certificate?

**ANSWER:** The phrase “. . . or any combination of those tests . . .” that is contained in § 141.5(d) means:

The intent of § 141.5(d) is, a school must show an enrollment and completion of at least 10 students. And yes a student who completes the school's course of ground training for a knowledge test counts as ONE student completion and then that same student who completes the school's course of flight training for a practical test also counts as another student completion and so that equates to a TOTAL of 2 student completions. And 80% of those students must have passed on the first attempt. In effect, the school must show 10 student completions in ANY of the school's courses in order for the school to be issued a Part 141 school certificate or to have a Part 141 school certificate renewed. A school may have 10 training courses approved and have one student in each of the 10 courses or the school may have 10 students all in one course and no students in the other 9 courses.

Additionally, in response to your second specific question. You stated that completion of some of the Appendix K courses [i.e., Rotorcraft external-load operations course, Test pilot course, etc.] do not involve the issuance of a pilot certificate or rating. But yet § 141.5(d) states, in pertinent part, “. . . an end-of-course test for a training course specified in appendix K of this part . . .” You asked whether completions in these Appendix K courses count for renewal of a school certificate under § 141.27? The answer is yes because § 141.27(a)(2) states, in pertinent part, “. . . training records, and recent training ability and quality meet the requirements of this part. . .”  
{Q&A-202}

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**QUESTION:** § 141.5(d) requires that at least 10 students be ,”trained and recommended for pilot certification or rating tests”. The wording of this provision does not require that the students that have been recommended for the tests actually take the tests. In reality a school could have had sufficient numbers (30 students trained and recommended) and only one student actually take the test. If the one student passed the knowledge test, their percentage is 100. This may not provide the quality check that would be desirable. Please confirm that I am reading this provision correctly.

**ANSWER:** Do we really have that many people out there who are enrolling in our Part 141 schools' ground courses and then never take the test? Do we actually have a situation where one of our schools can only show one student out of 100 enrollees who actually took the knowledge test?

Section 141.5(d), in pertinent part, states “. . . 10 students for a knowledge or practical test . . . and at least 80 percent of all tests administered were passed on the first attempt.”

The intent here is, a school must show an enrollment and completion of at least 10 students and 80% of those students passed on the first attempt..

Incidentally, one person can count as two students. A student who enrolls in a course of ground training for a knowledge test counts as one student. Then when that same student enrolls in that same school's course of flight training for a practical test also counts as one for a total of 2 students in calculating the above requirement.  
{Q&A-154}

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## § 141.11 Pilot School Ratings

**QUESTION:** Could a pilot school be approved to conduct a flight dispatcher qualification course under Appendix K - “Special Operations Course” or under § 141.57?

**ANSWER:** Ref. Part 141, Appendix K, paragraphs 2 and 9 and § 141.11(b); The answer is no, a pilot school may not be approved to conduct a flight dispatcher qualification course under Part 141. Part 141 is applicable to approved courses that relate to training pilots, flight instructors, and ground instructors for certificates, ratings, operating privileges, or special mission operations. Part 141 is not appropriate for non flight crewmember training. Section 141.11(b) establish what training courses may be approved to be conducted under Part 141.

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This answer is similar to Q&A-424 when I was asked previously about a request for approving a Part 141 training course for a flight nurse crewmember position.  
{Q&A-541}

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**QUESTION:** The Q&A-155 addresses ratings as though it was addressing individual courses. We are limiting the ratings a school can be issued to those listed in § 141.11(b) plus the provisions of § 141.57 Special Curriculum making a total of 19 different ratings. We do emphasize the difference in ratings a school is issued (by the CHDO) compared to the large number of courses that could be reviewed and approved. We are also emphasizing that school ratings are listed on the Air Agency Certificate. Course titles are listed on the "List of Approved Courses".

**ANSWER:** Ref. § 141.11(b) and FAA Order 8700.1, Vol. II, pages 141-22 and 141-31; In my Q&A 155, I made a mistake by interchanging the term "ratings" and "courses." There is a difference between the term "ratings" as it applies to the "ratings" issued to a school on their Air Agency Certificate and the "courses" that are approved in accordance § 141.55. The list of pilot school ratings are addressed in § 141.11(b). Those are the pilot school ratings that can be issued to a pilot school. Those ratings approved for a pilot school should be listed on the school's Air Agency Certificate and the accompanying letter of approval from the school's jurisdictional Flight Standards District Office. See FAA Order 8700.1, Vol. II, pages 141-22 and 141-31 for samples of what I am talking about here.

The courses that are approved under § 141.55 and § 141.57 are as follows:

Recreational Pilot Certification Courses: Airplane Single-Engine Land (1); Rotorcraft Helicopter (2); and Rotorcraft Gyroplane (3).

Private Pilot Certification Courses: Airplane Single-Engine land (4); Airplane Multiengine Land (5); Airplane Single-Engine Sea (6); Airplane Multiengine Sea (7); Rotorcraft Helicopter (8); Gyroplane (9); Glider (10); Lighter-than-Air Airship (11); Lighter-than-Air Gas Balloon (12); Lighter-than-Air Balloon with an Airborne Heater (13); and Powered-Lift (14).

Commercial Pilot Certification Courses: Airplane Single-Engine Land (15); Airplane Multiengine Land (16); Airplane Single-Engine Sea (17); Airplane Multiengine Sea (18); Rotorcraft Helicopter (19); Rotorcraft Gyroplane (20); Glider (21); Lighter-than-Air Airship (22); Lighter-than-Air Gas Balloon (23); Lighter-than-Air Balloon with an Airborne Heater (24); and Powered-Lift (25).

Instrument Rating Courses: Airplane (26); Helicopter (27); and Powered-Lift (28).

Airline Transport Pilot Certification Courses: Airplane Single-Engine Land (29); Airplane Multiengine Land (30); Airplane Single-Engine Sea (31); Airplane Multiengine Sea (32); Rotorcraft Helicopter (33); and Powered-Lift (34).

Flight Instructor Certification Courses: Airplane Single-Engine (35); Airplane Multiengine (36); Rotorcraft Helicopter (37); Rotorcraft Gyroplane (38); Glider (39); and Powered-Lift (40).

**NOTE:** *The Flight Instructor Certification Courses may be further identified by identifying the aircraft category and class rating. For example Flight Instructor Certification Course – Airplane Single Engine Land; Flight Instructor Certification Course – Airplane Single Engine Sea; Flight Instructor Certification Course – Airplane Multiengine Land; Flight Instructor Certification Course – Airplane Multiengine Sea, etc.*

Flight Instructor Instrument Courses: Instrument-Airplane (41); Instrument-Helicopter (42); and Instrument Powered-Lift (43).

Ground Instructor Courses: Basic (44); Instrument (45); and Advanced (46).

Additional Aircraft Category or Class Rating Courses: Airplane Single-Engine Land (47); Airplane Multiengine Land (48); Airplane Single-Engine Sea (49); Airplane Multiengine Sea (50); Rotorcraft Helicopter (51); Rotorcraft Gyroplane (52); Glider (53); Lighter-than-Air Airship (54); Lighter-than-Air Gas Balloon (55); Lighter-than-Air Balloon with an Airborne Heater (56); and Powered-lift (57).

**NOTE:** *These Additional Aircraft Category or Class Rating Courses shall be further identified by the pilot certification level for which the additional aircraft category and class rating applies. For example, Airplane Multiengine Land at the Private Pilot Certification Level; Airplane Single Engine Sea at the Commercial Pilot Certification Level, Rotorcraft Gyroplane at the ATP Certification Level, etc.*

Aircraft Type Rating Courses: [e.g., as in the case of a Lear 60, Citation 500, Falcon 50, etc. (58)]

Special Preparation Courses: Pilot Refresher Course (59); Flight Instructor Refresher Course (60); Ground Instructor Refresher Course (61); Agricultural Aircraft Operations Course (62); Rotorcraft External-Load Operations Course (63); Special Operations Course (64); Test Pilot Course (65); and Pilot Ground School Course (66).

**NOTE:** *These Special Preparation Courses shall be further identified to describe the course. For example, Special Operations Course – Night Vision Goggle Qualification; Special Operations Course – Pipeline Patrol; Special Operations Course – Aerial Photography; Test Pilot Course – Rotorcraft Helicopter; Pilot Ground School Course – King GNS-XLS Flight Management System; Pilot Ground School Course – Aeronautical Decision Making; Pilot Ground School Course – Flight Deck Management and Crew Coordination; Pilot Ground School Course King KLN 94 Global Positioning System, Pilot Ground School Course Night Vision Goggles Model AV4949, etc.*

{Q&A-424}

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**QUESTION:** Sorry for the confusion on this issue of Ratings that an Approved Pilot School, or Provisional, can hold. We are teaching that the only ratings that a school can hold are those listed in § 141.11(b). There are a total of 18 beginning with, “Recreational Pilot Course” and ending with “Pilot Ground School Course”. We are emphasizing that these are the only Ratings a school can hold, or be issued. The one exception we do acknowledge is 141.57, Special Curriculum as the 19th rating that can be issued. Each individual course, normally containing a certificate level, a category and a class do not appear on the school certificate but on the “List of Approved Courses”. The current 8700.1 comments that considering certificate level, category and class, there could easily be in excess of 100 courses. Obviously, we cannot list courses on the certificate, but are listed on the “List of Approved Courses”.

The requirement to issue “Ratings” to a Pilot School and the use of the term “Rating” when relating or defining a pilot privilege could be confusing if we don't have some very explicit guidance. We are limiting Pilot School ratings to those outlined in § 141.11(b) because they are very specific and are listed under the heading of “Pilot School Ratings.

Please let me know if there is a problem with the above information.

**ANSWER:** Ref. § 141.11(b); I count 66 ratings that can be listed on a Part 141 school's FAA Form 8420-8, “Application for Pilot School Certificate,” and the accompanying letter that is signed by the FSDO manager. The ratings that a Part 141 school may receive approval for are as follows:

Recreational pilot course: (1) Airplane Single-engine land; (2) Rotorcraft - Helicopter; (3) Rotorcraft - Gyroplane.

Private pilot course: Airplane - (4) Single-engine land; (5) Multiengine land; (6) Single-engine sea; (7) Multiengine sea; Rotorcraft - (8) Helicopter; (9) Gyroplane; (10) Glider; Lighter-than-air (11) Airship; (12) Gas Balloon; (13) Balloon with an airborne heater; (14) Powered-lift.

Commercial pilot course: Airplane - (15) Single-engine land; (16) Multiengine land; (17) Single-engine sea; (18) Multiengine sea; Rotorcraft - (19) Helicopter; (20) Gyroplane; (21) Glider; Lighter-than-air (22) Airship; (13) Gas Balloon; (24) Balloon with an airborne heater; (25) Powered-lift.

Instrument rating course: (26) Airplane; (27) Helicopter; (28) Powered-lift.

Airline transport pilot course: Airplane - (29) Single-engine land; (30) Multiengine land; (31) Single-engine sea; (32) Multiengine sea; Rotorcraft - (33) Helicopter; Powered-lift (34)

Flight instructor course: Airplane - (35) Single-engine; (36) Multiengine; Rotorcraft- (37) Helicopter; (38) Gyroplane; (39) Glider; (40) Powered-lift.

Flight instructor instrument course: (41) Airplane; (42) Helicopter; (43) Powered-lift.  
Ground instructor course: (44) Basic; (45) Instrument; (46) Advanced .

Additional aircraft category or class rating course: Airplane - (47) Single-engine land; (48) Multiengine land; (49) Single-engine sea; (50) Multiengine sea; Rotorcraft - (51) Helicopter; (52) Gyroplane; (53) Glider:  
Lighter-than-air (54) Airship; (55) Gas Balloon; (56) Balloon with an airborne heater; (57) Powered-lift.

Aircraft type rating course: (58) [e.g., as in the case of a Lear 60 ]

Special preparation courses: (59) Pilot refresher course; (60) Flight instructor refresher course; (61) Ground instructor refresher course; (62) Agricultural aircraft operations course; (63) Rotorcraft external-load operations course; (64) Special operations course; (65) Test pilot course; and (66) Pilot ground school course .  
{Q&A-155}

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## § 141.17 Duration of Certificate and Examining Authority

**QUESTION:** Section 141.17 (a)(4). Does the certificate expire if the school's facility, personnel or aircraft for one course is not maintained beyond the 60 day period?

**ANSWER:** Ref. § 141.17(a)(4); It is not mandatory that the school certificate expire, because the wording of § 141.17(a)(4) says "Upon notice by the Administrator . . ." Every situation has its uniqueness. However, just like the rule states "(4) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the school's approved training courses." But, the FAA does have the authority to cause the school certificate to expire if the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the school's approved training courses.  
{Q&A-435}

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**QUESTION:** If a Part 141 pilot school is sold (including all TCO's, etc.), and upon sale it will be relocated to another FSDO's geographical jurisdiction, be renamed, and neither the chief flight instructor nor director of maintenance will relocate, but be replaced with new personnel, can the sale be made?

If so, can the purchased flight school retain its certification status with regard to applying for additional authorities (examining authority, etc.) as though it continues as the original school (full Part 141, not provisional)?

**ANSWER:** Ref. § 141.17(b); The sale of the school can be made, but the Part 141 certificate cannot be sold. As per § 141.17(b), a change in the ownership of a pilot school or provisional pilot school does not terminate that school's certificate if within 30 days after the date that any change in ownership of the school occurs there is "No change in the facilities, personnel, or approved training courses is involved." [i.e., § 141.17(b)(2)]. However, since you stated there will be a change in the school's location, chief flight instructor, and director of maintenance the school's Part 141 certificate cannot be sold. The new owners and school would be considered a new school and must reapply in accordance with the procedures set forth in FAA Order 8700.1, chapter 141.

**QUESTION:** Follow on question is what status would the seller of the original school be in as it pertains to Part 141 pilot school certification should they wish to reenter the pilot school arena? Would they be a totally new school (provisional) or could they resume their previous status (same president/chief flight instructor/director of maintenance/TCO's, etc.), allowing them to return to business as usual and request examining authority given that their quality of instruction had been already demonstrated?

**ANSWER:** Ref. § 141.17(b)(2); The former owner(s) would have to reapply and start all over. You said ". . . a Part 141 pilot school is sold (including all TCO's, etc.) . . ." So there would be a ". . . change in the facilities . . . approved training courses . . ." [i.e., § 141.17(b)(2)]. I assume when you said ". . . is sold (including all TCO's, etc.) . . .", that also meant facilities as well as ". . . all TCO's, etc. . . ." The former owner(s) would have to reapply and start all over just like an brand new applicant.

But the obvious to me in this question (even though you didn't say it) would be that I am quite certain there would be something written in the sales contract by the buyer that would prohibit that seller from starting up operations immediately. And even if the former owner(s) had cheated and kept copies of the approved training courses, those former owner(s) would have to reproduce all the TCOs and get them date stamped and approved again. And the former owner(s) would have to obtain facilities to house the school. And I would assume the former owner(s) would have to purchase all new training records, files, equipment, aircraft, maintenance facilities, operational facilities, because you said "... a Part 141 pilot school is sold (including all TCO's, etc.) . . ."

{Q&A-383}

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**QUESTION:** Prior to the change, § 141.17(a)(3) stated "...a pilot school certificate expires...the school has failed for more than 60 days to maintain facilities, aircraft, and personnel required for at least one of its approved courses."

New § 141.17(a)(4) now states "...a pilot school certificate expires failed to maintain...for any one of the school's approved training courses."

Hypothetical: a school has a private pilot course that uses a single-engine airplane. it also has a commercial course that uses a multiengine airplane. the multiengine airplane is sold and not replaced within sixty days from the date of a "notice by the administrator."

Prior to the change, the certificate would not have expired because the school maintains the aircraft, etc. For at least one of its courses (private pilot - single engine).

It appears that the new rule puts the entire certificate in jeopardy because any one of the courses (commercial - multiengine) has failed to maintain its aircraft.

Was the change from "at least" to "any" intentional?

Is this an incentive for the school to amend its certificate (delete the multiengine course) within sixty days so as not to place the entire certificate in jeopardy? if so, the certificate would need to be amended again to (re)add the multiengine course when the replacement aircraft arrived. sounds like a lot of paperwork!

**ANSWER:** Ref. § 141.17(a)(4); The answer is no, a school's pilot certificate would not need to be revoked. But certainly in reference to the scenario you've cited, the school's course/rating would have to be stopped until another approved multiengine airplane is located. In a review of the old § 141.17(a)(3) it stated "... surrendered, suspended, or revoked, a pilot school's certificate or a provisional pilot school's certificate expires . . . for at least one of its approved courses . . . ; whereas, the current § 141.17(a)(4) states:

§ 141.17 Duration of certificate and examining authority.

(a) Unless surrendered, suspended, or revoked, a pilot school's certificate or a provisional pilot school's certificate expires:

\* \* \* \* \*

(4) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the school's approved training courses.

I grant you that minor word change may lead one to read it the way you've stated, but there was no intent to change the meaning of § 141.17. Its just another example that when writing FARs, you have to be extremely careful with the words. Simple word changes like "at least one" to "any one" may have different meanings to all of us.

{Q&A-304}

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## § 141.19 Display of Certificate

**QUESTION:** It is our understanding the pilot school's air agency certificate is located at the main base and this is required by § 141.19. If the pilot school is authorized a satellite base, would the satellite base also be required to

display the pilot school's air agency certificate? How could a pilot school display their air agency certificate at both its main base and also at its satellite base?

**ANSWER:** Ref. § 141.19; There is no specific rule in Part 141 or guidance in FAA Order 8700.1, Volume 2, Chapters 140 through 148 that addresses the display of the pilot school's air agency certificate at a satellite base. Per § 141.19, it only requires that the holder of a pilot school certificate to ". . . display that certificate in a place in the school that is normally accessible to the public and is not obscured . . ." However, a pilot school should be encouraged to display a copy of their air agency certificate in an area of the satellite base that is normally accessible to the public and is not obscured. Or, I've heard that some ASIs have obtained a duplicate original of the pilot school's air agency certificate and provided it to the school to display at the satellite base. However, with emphasis added, there is no specific rule in Part 141 or guidance in FAA Order 8700.1, Volume 2, Chapters 140 through 148 that addresses the display of the pilot school's air agency certificate at a satellite base. Personally, I can't see a pilot school not wanting to have their air agency certificate at their satellite base.

{Q&A-580}

## § 141.21 Inspections

**QUESTION:** Can the Assistant Chief practical test required by 141.36 be given by the school? The only document which specifically states that the test required by § 141.36 must be given by an Aviation Safety Inspector is FAA Order 1 paragraph 7(c). A person might indeed argue that a non FAA employee is not bound by FAA Orders, but it is the inspector who does the certification and surveillance, and he/she is bound by the FAA Order. Nowhere in Part 141 does it say that a Chief Flight Instructor, or other school official, may administer the required test to a designated Assistant Chief. The regulation therefore implies that the test must be given by an FAA Inspector. It appears that if a 141 school designates an assistant chief flight instructor, and that designee does not complete the required test, from an FAA Inspector, and that designee certifies any training records, performs any phase checks, etc. that only a real chief flight instructor is empowered to do, the school is in violation of FAR § 141.

**ANSWER:** Ref. § 141.21 and § 141.36(a)(3) and (4) and Order 8700.1, page 143-1, paragraph 5.B. and C. and 7.C. He has to take the tests with an FAA Aviation Safety Inspector. And as far as the authority for the FAA to test the school's assistant chief instructor, failure to comply with Order 8700.1 is a violation of § 141.21.

{Q&A-161}

## § 141.23 Advertising Limitations

**QUESTION:** Section 141.23 limits advertising activities of approved schools. What regulation limits schools that are not approved from advertising as "approved schools?"

**ANSWER:** Ref. §§ 141.5 and 141.23; If you are asking whether part 141 has a comparable rule like §135.7 "Applicability of rules to unauthorized operators," the answer is no. However, if any person or company were to engage in part 141 operations without a part 141 school certificate, § 141.5 is worded sufficiently that action/enforcement could be taken against that person or company to cause them to "cease and desist."

{Q&A-435}

## § 141.25 Business Office and Operations Base

**QUESTION :** What are the limits or provisions for the establishment of a satellite base in a foreign country?

**ANSWER:** Ref. §§ 141.25(e), 141.53, and 141.91(b); The only "limits or provisions" for the establishment of satellite bases in foreign countries are that they are treated like any other satellite base in that they must be inspected and approved by the FAA [i.e., § 141.25(e)]. With the issuance of Amendment No. 141-11 on October 5, 1998, the FAA deleted § 141.15. That rule restricted pilot schools from establishing schools at locations outside the United States. U.S. pilot schools are now permitted to establish training facilities outside the United States. The purpose behind removing § 141.15 was to facilitate the continuation of harmonization with our European partners of the

Joint Aviation Authorities. Surveillance of schools at foreign locations are being performed by the International Flight Operation office in New York, San Francisco, and Houston.

The actual Federal Register publication with the rule and preamble language can be read at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998\\_register&docid=98-26602-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=98-26602-filed)  
{Q&A-424}

## § 141.26 Training Agreements

**QUESTION:** Does a Part 141 pilot school necessarily have to have a training agreement with a Part 142 training center in order to give training in a flight simulator?

**ANSWER:** Ref. § 141.26; No, a Part 141 pilot school does not have to have a training agreement with a Part 142 training center in order to give training in a flight simulator to its students in its Part 141-approved training course. A Part 141 pilot school may own or lease a flight simulator and use the flight simulator to give training to its students of its Part 141-approved training course. However, if a Part 141 pilot school wants a Part 142 training center to “. . . provide the training, testing, and checking for pilot schools certificated under part 141 . . .” then there must be a training agreement between the Part 141 pilot school and Part 142 training center.

The way § 141.26 applies is that in order for a Part 142 training center to “. . . provide the training, testing, and checking for pilot schools certificated under part 141 . . .” there must be a training agreement between the Part 142 training center and Part 141 pilot school. *Meaning*, if a Part 141 pilot school elects to contract with a Part 142 training center for that training center to provide training, testing, and checking for the Part 141 pilot school under that pilot school’s training course, then there must be a training agreement [that has been approved by the FAA; *See* § 141.26(c)] between the training center and pilot school.

And per § 142.33, the parallel rule of § 141.26 in Part 142 for training centers, it permits a Part 141 pilot school to “. . . provide the training, testing, and checking for training centers certificated under part 142 . . .” there must be a training agreement between the Part 141 pilot school and Part 142 training center. *Meaning*, if a Part 142 training center elects to contract with a Part 141 pilot school for that pilot school to provide training, testing, and checking for the Part 142 training center under that training center’s training course, then there must be a training agreement [that has been approved by the FAA; *See* § 141.33(c)] between the pilot school and training center.

As for the permitted usages of flight simulators, refer to the use of flight simulators or flight training devices in paragraph 4. in each of the Appendixes of Part 141.  
{Q&A-580}

## § 141.27 Renewal of Certificates and Ratings

**QUESTION:** What are the renewal requirements for examining authority for a Part 141 pilot school that holds examining authority for one of its approved courses? Does the pilot school have to continue to show a 90% first-time pass rate for their students in that approved course that holds examining authority or does the school just have to show an overall pass-fail rate of at least 80% as per § 141.5(d)?

**ANSWER:** Ref. § 141.27(a)(2), § 141.5(d), and § 141.63(b); The pilot school only needs to show an overall first time pass-fail rate of at least 80% in order to renew their pilot school certificate. Part 141 doesn’t have a pass-fail rate requirement for renewing examining authority. The 90% first-time pass rate [*see* § 141.63(a)(5)(ii)] is what a pilot school must show in order to receive initial approval for examining authority. For a pilot school to retain examining authority for a training course, it only needs to comply with § 141.63(b).

However, passes and fails on final phase checks count in tabulating the 80% pass-fail rate for renewing a pilot school’s certificate. As I previously stated in Q&A-465:

“Yes; the pass-fails of a school's comprehensive end-of-course tests conducted under examining authority under 14 CFR, part 141, subpart D count toward the 80% quality of instruction pass-fail rate required for renewal of a Part 141 school certificate. A Part 141 school that holds examining authority for a pilot training course must keep a Pass-Fail record on its comprehensive "end-of-course" tests so that it can show its quality of instruction pass-fail rate meets or doesn't meet the required 80% quality of instruction pass-fail rate”

“Per § 141.5(d), it states, in pertinent part, “. . . at least 80 percent of **all** tests administered were passed on the first attempt . . .” Emphasis added “. . . all tests . . .” And for clarification purposes, the intent of “. . . all tests . . .” means a comprehensive "end-of-course test" for any course with examining authority and the use of the results of that comprehensive "end-of-course test" will be used as a "counter" to determine the school's overall 80% quality of instruction pass-fail rate.”

{Q&A-605}

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**QUESTION:** What would happen if a pilot school made application for renewal of their pilot school certificate within the required 30 days but because of an individual FAA Inspector's workload, the ASI was unable to complete the required tasks to renew the school? Would the pilot school be required to convert to provisional pilot school certificate?

**ANSWER:** Ref. § 141.27(a) and FAA Order 8700.1, Vol. 2, Chapter 141, page 141-10, para. 19.A; No, a pilot school would not revert to a provisional pilot school certificate. The pilot school fulfilled its responsibility by having met the renewal requirements of § 141.27 and it did make application for its pilot school certificate in a timely manner.

Before causing a pilot school's certificate to expire, the ASI should seek assistance from his supervisor to make sure the pilot school's certificate is renewed on time. Hopefully, this doesn't happen too often!

{Q&A-580}

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**QUESTION:** In order for a school to renew its pilot school certificate, must it show at least 10 student completions on a knowledge test or practical test?

**ANSWER:** Ref. § 141.27(a)(2); Yes, a pilot school who requests renewal of its pilot school certificate must show at least 10 student completions on a knowledge test or practical test. That is the intent of the meaning of “. . . recent training ability and quality . . .”

{Q&A-580}

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**QUESTION:** In order to renew its Air Agency Certificate, § 141.27(a)(2) appears to require that the pilot school must meet original requirements and "have..." trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate, at least 10 students for a knowledge or practical test" and further states, "and at least 80 percent of all tests administered were passed on the first attempt" (§ 141.5).

Does this mean that the school must have trained and recommended at least 10 students for a knowledge or practical test in each certification and rating course the school is authorized to conduct?

**ANSWER:** Ref. § 141.27(a)(1) and (2). The school must only have a TOTAL of 10 student completions for the entire school. So for example, if the school has the following courses approved:

- Private Pilot-ASEL
- Commercial Pilot-ASEL
- Instrument-Airplane
- Flight Instructor-ASE
- Additional Aircraft Rating-AMEL
- Additional Aircraft Rating-Helicopter
- Additional Instrument Rating-Helicopter
- External Load Course-Helicopter

When the school makes application to renew their school certificate, in accordance with § 141.27(a)(1) and (2), the school only needs to have a total of 10 student completions for the entire school. The 10 student completions don't have to be in each course.

A school must have at least total 10 student completions to meet the renewal requirements; And as a follow up question, YES a student who satisfactorily completes a knowledge test and that same student also satisfactorily completes a practical test counts as 2 students. Yes, if a school only can show a total 5 students and each student completes a knowledge test and a practical test that equals out to be 10 student completions. Read § 141.5(d), in pertinent part, and in effect implied by § 141.83(a)(2) “. . . for a knowledge test **OR** practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K . . .”

The wording of this new § 141.27(a)(2) states, in pertinent part, “A pilot school may have its school certificate and ratings renewed for an additional 24 calendar months if the Administrator determines the school's personnel, aircraft, facility and airport, approved training courses, training records, and recent training ability and quality meet the requirements of this part.”

To further explain this rule, the FAA stated in the preamble of the Notice of Proposed Rulemaking (60 FR 41216; August 11, 1995):

“. . . the FAA proposes to revise the quality of training from 8 of 10 of the most recent graduates pass rate to an 80 percent requirement.”

Additionally, the FAA stated in the preamble of the Notice of Proposed Rulemaking: “Revises the requirements for renewing a pilot school requirement and rating. A pilot school would be required to have trained and recommended at least 10 students for a practical or knowledge test for a pilot, flight instructor, or ground instructor certificate or rating, and at least 80 percent of the students must have passed the test on the first attempt . . . an end of course test for a training course in Appendix K.”

{Q&A-125}

## § 141.33 Personnel

QUESTION: Situation: A Part 141 pilot school has been given approval for a check instructor based upon the school having 50 or more active students. Now the school's enrollment has dropped off significantly. Does the FAA have the authority to take back the approval for that check instructor?

ANSWER: Ref. § 141.33(d)(2); This question is similar to a previously asked question (*i.e.*, Q&A-580). As I stated in Q&A-580, § 141.33(d)(2) only requires that the pilot school have a student enrollment of at least 50 students “. . . at the time of designation is sought.” Emphasis added: “. . . at the time of designation is sought.” The rule was written that way, because the FAA rulemaking team that wrote the rule were aware that student enrollments may fluctuate throughout the year and didn't want our FSDOs, or the pilot schools, to have to be constantly approving and withdrawing check instructor appointments. A pilot school only needs to have a student enrollment of at least 50 students “. . . at the time of designation is sought.”

Therefore, the jurisdictional FSDO does not have the authority to withdraw the Part 141 pilot school's check airman authorization on the basis the pilot school's student enrollment has fallen below 50 students. Essentially, what the FAA rulemaking team intended when it drafted § 141.33(d)(2) was for a pilot school to be allowed to continue its check instructor authorization indefinitely.

However, there are several situations that I can think of where the jurisdictional FSDO would have the authority to terminate a pilot school's check instructor authorization. One reason would be where the jurisdictional FSDO has determined that the check instructor's performance is unsatisfactory. As in accordance with § 141.21, a jurisdictional FSDO has the authority to continue to inspect a pilot school and that includes inspection of its check instructors. And it is within the legal authority of the jurisdictional FSDO's to monitor a chief instructor conducting a proficiency test of a check instructor. And if the check instructor's proficiency is determined to be unsatisfactory then that FSDO has the authority to disapprove the check instructor's authorization. In fact, the jurisdictional

FSDO has the authority to re-examine a check instructor when and if the situation is determined to be necessary. And if the jurisdictional FSDO determines the check instructor's proficiency is unsatisfactory then that FSDO has the authority to disapprove the check instructor's authorization. However, this authority should not be used as a means of harassment of a pilot school by the jurisdictional FSDO.

Another reason for terminating a check instructor's authorization would be when a check instructor no longer holds the appropriate pilot and flight instructor certification qualifications [See § 141.37(a)(2)(ii) or (a)(3)(ii) or (iii), as appropriate]. Another reason for terminating a check instructor's authorization would be when a check instructor no longer meets the pilot the pilot-in-command recent flight experience requirements of § 61.57 [See § 141.37(a)(2)(iii)]. As in the case where a check instructor has had his or her medical certificate suspended or where a check instructor may have had his/her pilot certificate suspended or revoked and is unable to comply with the pilot-in-command recent flight experience requirements of § 61.57.

The above listings of when a FSDO would have the authority to terminate a pilot school's check instructor authorization is not an all-inclusive listing, but is meant to provide examples of when it may be appropriate for a FSDO to terminate a pilot school's check instructor authorization.

{Q&A-625}

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QUESTION: A follow-on to this issue about check instructors. What happens if a pilot school's student enrollment falls below the 50 students required to be allowed for a check instructor, can the pilot school ask for additional check instructors or a replacement check instructor in case of a check instructor who leaves the pilot school's employment.

ANSWER: Ref. § 141.33(d)(2); That question isn't addressed anywhere in the rule or in FAA Order 8700.1. That is a call that I believe will need the pilot school and the jurisdictional FSDO to work harmoniously together on. Granted, in accordance with § 141.33(d), it is purely the pilot school's prerogative to request check instructors. And, in accordance with § 141.37(b)(2), the jurisdictional FSDO has the final authority whether to approve the pilot school's request for check instructor authority. I can think of several reasonable requests from a pilot school where they would have a need for additional check instructors such as the case where the pilot school knows that several of their check instructors will be leaving their employment and the pilot school wants to have qualified check instructors in place before those check instructors leave. Another reason may be where a pilot school knows that their student enrollments are going to increase significantly at the start of the next semester and wants to have qualified check instructors in place before the next semester. Another reason may be where at the time the pilot school was approved for check instructor authority, the pilot school may have appointed too few check instructors and now it realizes it and wants to appoint additional check instructors. Again, this is where I believe it is important for the pilot school and the assigned POI to work harmoniously together.

{Q&A-625}

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QUESTION: Does the 50 student requirement for a pilot school to qualify for a check instructor in § 141.33(d)(2) mean 50 different students or can one student be counted multiple times? For example if one student is enrolled in a pilot school's Professional Pilot Course [meaning a course of training involving a combined Private Pilot – ASEL, Commercial Pilot – ASEL, Instrument – Airplane, and Commercial Pilot – Additional Aircraft Rating – AMEL Course] does that one student get counted 4 times?

ANSWER: Ref. § 141.33(d)(2); The intent of “. . . a student enrollment of at least 50 students . . .” means at least 50 different students. Therefore, in your example, one student may not be counted as multiple student enrollments.

{Q&A-580}

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QUESTION: A certain pilot school has 4 check instructors assigned to its school because at one time they had at least 50 students. What happens if a pilot school's enrollment drops below 50 students? Must that pilot school stop using check instructors until the enrollment becomes at least 50 students again? Does the FAA have the authority to withdraw the check instructor appointments.

**ANSWER:** Ref. § 141.33(d)(2); No, a pilot school needn't stop using their check instructors when their student enrollment goes below 50 students. No, the FSDO should not withdraw the pilot school's check instructor appointments when the pilot school's student enrollment drops below 50 students.

Per § 141.33(d)(2), the rule only requires that the pilot school have a student enrollment of at least 50 students “. . . at the time of designation is sought.” Emphasis added: “. . . at the time of designation is sought.” The rule was written that way, because the FAA rulemaking team that wrote the rule were aware that student enrollments fluctuate throughout the year and didn't want our FSDOs, or the pilot schools, to have to be constantly approving and withdrawing check instructor appointments. A pilot school only needs to have a student enrollment of at least 50 students “. . . at the time of designation is sought.”

{Q&A-580}

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**QUESTION:** Section 141.33(d)(2) states a Part 141 school must have 50 students enrolled in order to name a check instructor. I have an operator who has decided he needs one. I asked him for the records of the 50 currently enrolled students. He brought me a stack of records. As I looked through the records, I noticed many of the students had no activity in months, and in cases, a year or more. He claims that since they haven't dis-enrolled, he should be able to count them. I guess the question is, how far back can he go?

**ANSWER:** Ref. § 141.33(d)(2) and § 141.37(b)(2); Section 141.33(d)(2) requires a student enrollment of at least 50 students at the time designation of a check instructor is sought. The school in your question is attempting to count records of former students. They are not actual students. Certainly not active students in the flight program. The school would not meet the requirement of § 141.33(d)(2) for being able to designate a check instructor at this time.

In the preamble of the parts 61 and 141 final rule that was published in the Federal Register on April 4, 1997 (62 FR 16220-16367), the FAA stated the following in the Federal Register on page 16279 in response to a commenter who asked for clarification regarding the intent of § 141.33(d)(2) as to whether the 50 students are to be enrolled at a given time or within the past year, and whether the proposal means a part 141 school with fewer than 50 students enrolled cannot conduct flight instructor proficiency checks and stage checks:

*“FAA Response: . . . In response to the commenter's concerns regarding paragraph (d), the FAA notes that the rule explicitly requires a student enrollment of at least 50 students at the time designation is sought. The FAA has determined that 50 students is the maximum for which one chief instructor or assistant chief instructor could reasonably provide checks, and, therefore, permits a pilot school or provisional pilot school to designate check instructors for conducting student stage checks, end-of-course tests, and instructor proficiency checks.”*

Furthermore, the jurisdictional FSDO has the final authority on the appointment of a check instructor for a school. There was a purpose for the way that § 141.37(b)(2) was written [i.e., “. . . (2) Be approved by the FAA Flight Standards District Office having jurisdiction over the school . . .”]. The reason the rule was written that way was to give the jurisdictional FSDO the final authority on whether it would permit a school to appoint a check instructor.

{Q&A-531}

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**QUESTION:** Section 141.33 (a)(2) establishes a requirement that is based on dispatchers, aircraft handlers and line and service personnel that are “employed” by the school, be instructed by the school. The question addresses a school that uses those persons but they are not truly “employees” of the school. What is expected from a school if the service providers are not employees of the school?

**ANSWER:** Ref. § 141.33(a)(2) and FAA Order 8700.1, Vol. 2, chapter 140, page 140-8, paragraph 13.E; The term “employs” in § 141.33(a)(2) could just have easily been stated as “to be used” and in fact the instructions contained in FAA Order 8700.1, Vol. 2, chapter 140, page 140-8, paragraph 13.E does use the term “to be used.” Per FAA Order 8700.1, Vol. 2, chapter 140, page 140-8, paragraph 13.E, it requires:

*E. Other School Personnel.* FAR § 141.33 states that an applicant for a pilot school or provisional pilot school certificate must show that there are adequate personnel and authorized instructors, including a chief instructor, for each course of training. All instructors (flight or ground) must be qualified and competent to perform the duties they have been assigned.

(1) In addition, each dispatcher, aircraft handler, line crewman, and serviceman to be used must have been instructed in the procedures and responsibilities of employment. The inspector should recommend that the pilot school keep a record of this instruction in the employee's personnel file.

(2) A pilot school may elect to use verbal instructions, manuals, or any other means to ensure that dispatchers, aircraft handlers, line crewmen, and servicemen are knowledgeable and capable of performing their assigned duties. A school needs to provide only the employees necessary to conduct training adequately.

I assume an example of a situation that relates to your question is a school contract with a refueling company to refuel their aircraft and the line and service personnel are paid employees of the refueling company rather than employees of the school. Or, another example would be where a school's standard cross-country flight requires their students to perform cross country flights to a specific airport on a re-occurring, long time basis. And as a result, the school's uses a certain refueling company to service the school's aircraft at that airport. But the school has no contractual agreement with the refueling company other than the school agrees to pay the gas bill each month.

In such situations, the intent of § 141.33(a)(2) and the FAA expectation is that the school's management person(s) and the refueling company management person(s) develop understandings and procedures for personnel training. This should provide that the service company's line and service personnel are knowledgeable on the procedures and responsibilities of their employment as they relate to the specific needs and requirements of the school, aircraft, and students. So, the FAA would expect the school's management person(s) to inquire with the refueling company to assure that the company has instructed their line and service personnel on refueling safety procedures and specific needs and requirements of the school, aircraft, and students. We would expect the school's management person(s) to periodically monitor the refueling company's line and service personnel to ensure those personnel demonstrate knowledge of their assigned duties and are capable of performing their assigned duties.

{Q&A-457}

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**QUESTION:** § 141.33(d) is the use of the term "students" the same as the use of the term in § 141.5(d)? Would 25 persons each of which enrolled in two courses in a school meet the requirements for 50 students for the purpose of qualifying for a check instructor.

**ANSWER:** Ref. § 141.33(d)(2); No, 25 students enrolled in one course and then again the same 25 students counted again in another course does not equate to the "... a student enrollment of at least 50 students ..." The school must have a "... a student enrollment of at least 50 students at the time designation is sought."

{Q&A-401}

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**QUESTION:** § 141.33(a)(1) [i.e., certificated ground instructor---now reference the use of an un-certificated ground instructor in a classroom under the supervision of a chief instructor, § 141.81(b). Can a fully qualified flight instructor not holding a ground instructor certificate be assigned the duties of a chief ground instructor?

**ANSWER:** Ref. § 141.33(a)(1) and § 61.193; Yes, a certificated flight instructor with the appropriate flight instructor ratings may be assigned as a chief instructor for a ground school course. The rationale here, is the certificated flight instructor with the appropriate rating(s) can do both ground training and flight training. Per § 61.193, "... A person who holds a flight instructor certificate is authorized within the limitations of that person's flight instructor certificate and ratings to give training and endorsements that are required for, and relate to ..."

{Q&A-401}

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**QUESTION:** Situation is I have received a multi-media video from a school who is seeking Part 141 approval for its Private Pilot Certification Course for an Airplane Single Engine Land Rating. On the video the school's owners are teaching the ground school course and we are uncertain of their qualifications. There are other actors also teaching certain portions of the ground school course and we don't know their qualifications. Do the actors on the multi-media video have to meet the qualification requirements of § 141.33(a)? Otherwise, do these actors need to hold a ground instructor certificate or flight instructor certificate?

**ANSWER:** Ref. § 141.33(a); No, the actors on the multi-media video do not have to meet the qualification requirements of § 141.33(a) nor do they need to hold a ground instructor certificate or flight instructor certificate. Section 141.33(a) does not apply to these actors on the multi-media video. Section 141.33(a) only applies to those instructor personnel who are assigned to the school's course.

{Q&A-218}

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**QUESTION:** Can a school appoint more than one chief instructor for the same course. For example, a school has 2 satellite bases and they want chief instructors at those satellite bases. The main school facilities and the 2 satellite bases have approval to teach the Private Pilot Certificate-Airplane Single Engine Land course.

**ANSWER:** Ref. § 141.33(a)(1). No place in Part 141 does it prohibit a school from appointing more than one chief instructor. So the answer is yes, a Part 141 can appoint more than one chief instructor for a course of training.  
{Q&A-106}

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**QUESTION:** Does the requirement for 50 students mean only 141 students or can 61 students be used to fulfill the requirement?

**ANSWER:** Ref. § 141.33 (d)(2): It means 141 students.  
{Q&A-74}

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## § 141.35 Chief Instructor Qualifications

**QUESTION:** Can an Examiner also be the owner or act as the Chief Instructor of a Part 141 pilot school? Can that Examiner conduct the check rides for the students of that school at the same time?

**ANSWER:** Ref. § 141.35 and FAA Order 8700.1, Vol. 2, Chapter 143, page 143-1, paragraph 5.A.; Yes, an examiner may also be the owner of the Part 141 pilot school. Yes, an Examiner may serve as the Chief Instructor of a Part 141 pilot school. Yes, an Examiner who is the owner and/or chief instructor of a Part 141 pilot school may also administer practical tests to students of his/her pilot school.  
{Q&A-630}

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**QUESTION:** Situation: A Part 141 pilot school wishes to utilize an individual for chief instructor who has only about half of the required instructor hours accrued while using his US CFI certificate. However, he has extensive experience providing flight instruction as an instructor for the Venezuelan Air Force and as a civilian flight instructor with a Venezuelan flight instructor certificate. Can his foreign military and foreign civilian (ICAO) flight training experience be used to fulfill the requirements for chief instructor at the Part 141 pilot school?

**ANSWER:** Ref. § 141.35(b)(2), (c)(3), and (d)(2); The answer is no, aeronautical experience logged giving flight training as a foreign military instructor in a foreign military flight training course may not be counted toward meeting the chief instructor aeronautical experience requirements of § 141.35(b)(2), (c)(3), and (d)(2). The answer is no, aeronautical experience logged as a foreign civilian flight instructor toward foreign pilot training may not be counted toward meeting the chief instructor aeronautical experience requirements of § 141.35(b)(2), (c)(3), and (d)(2). This question I recall was previously asked by Inspector Win Karish from the New England Regional Office a few years ago and in fact if my memory serves me correctly there was a petition for exemption that was denied.  
{Q&A-625}

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**QUESTION:** 14 CFR § 141.35(a), (b), (c), & (d) implies that a chief instructor for a ground school course must meet the same qualifications as a chief instructor for a flight course. § 141.35(e) then appears to place additional requirements on the chief instructor for a ground school only course. Was this the intent of the regulation or was 141.35 (e) meant to be instead of the requirements in § 141.35(a) - (d)?

**ANSWER:** Ref. § 141.35(e); The intent of § 141.35(e) is to address the chief instructor qualifications for a ground school course only. The intent of § 141.35(a), (b), (c), and (d) is to address the chief instructor qualifications for a flight school course only or a combined ground and flight school course.  
{Q&A-616}

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**QUESTION:** Can a Training Center (part 142) flight instructor meet the requirements of 141.35(e) with time instructing for the Training Center?

**ANSWER:** Ref. § 141.35(e); Yes, a person who can show flight instructor employment at a Part 142 training center and who instructed in an approved course meets the eligibility requirements of paragraph (e) of § 141.35. The person must have “. . . 1 year of experience as a ground school instructor at a certificated pilot school.” And yes, 1 year of experience as a flight instructor at an approved Part 142 training center equates to “. . . 1 year of experience as a ground school instructor . . .”

{Q&A-424}

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**QUESTION:** Do knowledge tests as used in § 141.35(a)(3) have to meet the § 61.1(b)(11) definition ?

**ANSWER:** Ref. § 141.35(a)(3) and FAA Order 8700.1, page 143-1, paragraph 7.C.(4); No. The meaning of “. . . knowledge test. . .” as in § 141.35(a)(3) is governed by FAA Order 8700.1, page 143-1, paragraph 7.C.(4). However, the ASI conducting the chief instructor applicant knowledge test may utilize an oral test or a written test, as long as the test covers “(i) Teaching methods; (ii) Applicable provisions of the “Aeronautical Information Manual”; (iii) Applicable provisions of parts 61, 91, and 141 of this chapter; and (iv) The objectives and approved course completion standards of the course for which the person seeks to obtain designation.”

{Q&A-401}

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**QUESTION:** Per § 141.81(b), it permits a person who does not meet the instructor qualification requirements of paragraph (a) of § 141.81 to be assigned ground training duties if the chief instructor supervises the person giving the training. Can this person ever be elevated to being the chief or assistant chief instructor of a ground training course?

**ANSWER:** Ref. § 141.35 and § 141.36; No, a person who does not meet the instructor qualification requirements of paragraph (a) of § 141.81 cannot be elevated to a chief or assistant chief instructor position. To be assigned as a chief or assistant chief instructor, that person must meet the appropriate qualification requirements of § 141.35 and § 141.36, as appropriate.

{Q&A-401}

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**QUESTION:** In order for a person to be eligible for designation as a Chief Instructor or Assistant Chief Instructor for a ground school course, a person must have 6 months of experience as a ground school instructor at a certificated pilot school. Can this person have been only a flight instructor at a certificated pilot school, because as you know flight instructors at a certificated pilot school also give ground training during flight training?

**ANSWER:** Ref. § 141.35(e) and § 141.36(e); Yes, a flight instructor at a certificated pilot school may also be eligible for designation as an Chief Instructor or Assistant Chief Instructor for a ground school course, provided that flight instructor has 6 months of experience giving ground school instruction at a certificated pilot school. And yes, that includes the ground training given during flight training by a flight instructor.

{Q&A-270}

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**QUESTION:** Can a flight instructor who during the course of training (*i.e.*, an FAA-approved Part 141 course of training) teaches some ground training during the flight portion of the course of training use that experience in meeting the provisions of § 141.35(e) [*i.e.*, “. . . must have 6 months of experience as a ground school instructor at a certificated pilot school.”

**ANSWER:** Ref. § 141.35(e); The answer is yes, a flight instructor who can show experience “. . . as a ground school instructor at a certificated pilot school” while providing ground instruction during the flight portion of the training course at the certificated pilot school may use that experience for meeting the requirements of § 141.35(e).

{Q&A-247}

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**QUESTION:** Need a reading on 141.35(c)(3) regarding experience required to be a chief flight instructor for the instrument rating course.

The person involved is the owner of the 141 school who was an instructor in the pilot training department at Horizon Airlines for over seven years. According to the regulation, he would either need to have experience as a CFII or have experience teaching in the military. He didn't do either of these, but I believe that he is certainly qualified since he taught at a 135/121 air carrier. I would think that his instructing experience surely would meet the intent of the regulation and should would be acceptable. What do you think?

**ANSWER:** Ref. § 141.35(c)(3); Yes, the person is qualified to apply to be the school's Chief Instructor.

In reviewing § 141.35(c)(3), the key words here are "Instrument flight instructor experience, acquired as either a certificated flight instructor-instrument . . . consisting of at least . . ." The rule doesn't state where that instrument flight instructor experience had to be gained. It can be gained at an FBO as a CFII, free-lance instructor as a CFII and, provided the person held a CFII, as a company flight instructor in a Part 121 or 135 operation giving instrument instruction. As long as the applicant can document that he or she has the following experience as a certificated flight instructor-instrument then that should be adequate:

- (i) 2 years and a total of 250 flight hours; or
- (ii) 400 flight hours.

So if this applicant has the experience you described in your inquiry (i.e., ". . . since he taught at a 135/121 air carrier . . .") then that should be sufficient. But make sure, you document the applicant's experience meets the experience requirements of subparagraphs (i) or (ii) of § 141.35(c)(3).

{Q&A-205}

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**QUESTION:** What is meant by the term "primary flight training experience" that is contained in § 141.35(b)(2)?

**ANSWER:** Ref. § 141.35(b)(2); The term "primary flight training experience" means flight training that was given to student pilots, private pilot applicants, commercial pilot applicants, instrument rating applicants, airline transport pilot applicants, flight instructor applicants in which basic flight training maneuvers and procedures are taught. Or in the case of a military pilot flight training program, flight training experience to military pilot applicants for qualification in which basic flight training maneuvers and procedures are taught.

{Q&A-203}

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## § 141.36 Assistant Chief Instructor Qualifications

**QUESTION:** A previous answer seems to indicate that a satellite base for a Part 141 pilot school needs both an assistant chief instructor assigned to it, and may not have more than one assistant assigned to it. Should not the answer indicate that a satellite must have at least one assistant, and may have more--as in the case of not all courses being covered by that one person because, say, that person doesn't meet the experience requirement for a course of training.

We do understand that an assistant may not serve more than one satellite, but that once the at-least-one-assistant-to-one-satellite-and-each-course has been satisfied, assistants may travel and perform duties at any satellite.

**ANSWER:** Ref. § 141.91(a) and § 141.36; Yes, a pilot school may [emphasis added: MAY] want to appoint more than one assistant chief instructor to be assigned to a specific satellite base. However, per § 141.91(a), a pilot school is only required to appoint one assistant chief instructor for a satellite base. The purpose of § 141.91(a) in requiring that at least one assistant chief instructor be appointed at a satellite base is to establish a person with supervisory authority over the satellite base. As is the case for the requirement for assignment/designation of a chief instructor for each approved course of training at the pilot school's main base.

But in the case of a satellite base that is approved for conducting numerous courses (*e.g.*, Private Pilot Certification Course – Airplane Single Engine Land; Private Pilot Certification Course – Airplane Multiengine Land; Private Pilot Certification Course – Airplane Single Engine Sea; Private Pilot Certification Course – Airplane Multiengine Sea; Commercial Pilot Certification Course – Airplane Single Engine Land; Commercial Pilot Certification Course – Airplane Multiengine Engine Land; Commercial Pilot Certification Course – Rotorcraft - Helicopter; Commercial Pilot Certification Course – Rotorcraft-Gyroplane; Instrument – Airplane Rating; and Instrument – Helicopter Rating), the pilot school may want to designate numerous assistant chief instructors to be assigned to this one satellite base.

And for the record, each assistant chief instructor must meet the appropriate qualification requirements of § 141.36.

As for the previous questions and answers you referenced (*i.e.*, Q&A 520 and Q&A 406) those questions were asking about whether one person could serve as an assistant chief instructor for multiple satellite bases. My answers to both those questions addressed only whether it is permissible for a pilot school to appoint one person to serve as an assistant chief instructor for multiple satellite bases. That is not what your question has asked me. Your question asked whether it is permissible for a pilot school to appoint more than one assistant chief instructor to be assigned to a specific satellite base. The answer yes it is permissible but again per § 141.91(a), a pilot school is only required to appoint one assistant chief instructor for a satellite base.

{Q&A-553a}

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**QUESTION:** A foreign national holds a U.S. Commercial Pilot Certificate with an ASEL and Instrument-Airplane ratings and Flight Instructor Certificate with an ASE rating. This foreign national is working at one of our Part 141 pilot schools as a flight instructor here in the State of Massachusetts. This foreign national also holds a foreign Commercial Pilot License with an ASEL, AMEL, and Instrument-Airplane ratings and Flight Instructor License with an ASE rating. The Part 141 school wants us to consider this foreign national for a position as an Assistant Chief Instructor in their Commercial Pilot – Airplane Single Engine Land Certification Course. This foreign national has given 1790 hours of flight training. However, only approximately 500 hours of it was given after he earned his U.S. CFI certificate. And he only earned his U.S. CFI certificate 6 months ago. Does he qualify for meeting the requirements of § 141.36(d)(2)(ii) [*i.e.*, “. . . (ii) 750 flight hours”] or does the time have to be acquired as a U.S. CFI?

**ANSWER:** Ref. § 141.36(d)(2); The flight training given must have been acquired as a U.S. CFI. As per § 141.36(d)(2), it states “. . . Flight training experience, acquired as either a certificated flight instructor . . .” So, all 750 hours of flight training experience must have been given after the person earned his U.S. CFI. The flight training experience given under the person's foreign flight instructor license does not count for meeting the requirements of § 141.36(d)(2)(ii).

{Q&A-464}

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**QUESTION:** The question is can a person holding only a Ground Instructor Certificate act as Assistant Chief Instructor at a satellite that conducts ground training only? I am the POI for a college, Texas State Technical College (TSTC), that holds a Part 141 Certificate for ground and flight training. Another nearby college, Baylor University, offers non FAA approved aeronautical ground courses and no flight training. The Baylor students wanting to pursue flight training at TSTC are only able to get credit for 25% of the ground training curriculum at TSTC under § 141.77(c)(2).

I have recommended that TSTC and Baylor University work out an agreement for Baylor University to be a Satellite of TSTC's certificate and conduct TSTC's approved ground training courses only. The response was that Baylor University cannot produce an Assistant Chief Instructor that meets the requirements of § 141.36. They can produce an Assistant Flight Instructor that meets the requirements of § 61.185(b)(3), Flight Instructor Aeronautical Knowledge: A person employed as a teacher at an accredited college or university. That person will obtain a Ground Instructor Certificate.

**ANSWER:** Ref. § 141.36(e); To qualify for an assistant chief instructor for a ground training course, the person must meet the eligibility qualifications of § 141.36(e) which states: “To be eligible for designation as an assistant chief instructor for a ground school course, a person must have 6 months of experience as a ground school instructor at a certificated pilot school.”

{Q&A-414}

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**QUESTION:** Can the Assistant Chief practical test required by 141.36 be given by the school? The only document which specifically states that the test required by § 141.36 must be given by an Aviation Safety Inspector is FAA Order 1 paragraph 7(c). A person might indeed argue that a non FAA employee is not bound by FAA Orders, but it is the inspector who does the certification and surveillance, and he/she is bound by the FAA Order. Nowhere in Part 141 does it say that a Chief Flight Instructor, or other school official, may administer the required test to a designated Assistant Chief. The regulation therefore implies that the test must be given by an FAA Inspector. It appears that if a 141 school designates an assistant chief flight instructor, and that designee does not complete the required test, from an FAA Inspector, and that designee certifies any training records, performs any phase checks, etc. that only a real chief flight instructor is empowered to do, the school is in violation of FAR § 141.

**ANSWER:** Ref. § 141.21 and § 141.36(a)(3) and (4) and Order 8700.1, page 143-1, paragraph 5.B. and C. and 7.C. He has to take the tests with an FAA Aviation Safety Inspector. And as far as the authority for the FAA to test the school's assistant chief instructor, failure to comply with Order 8700.1 is a violation of § 141.21.  
{Q&A-161}

## § 141.37 Check Instructor Qualifications

**QUESTION:** May a POI limit a check instructor's authority? For example, could the POI limit the check instructor to stage checks only and not the end of course test?

**ANSWER:** Ref. § 141.37(b)(2); No, a POI may not limit a check instructor's authority. The FAA may only approve or disapprove a check instructor [See § 141.37(b)(2)].

However, I see this issue as a matter why our POIs need to have a working relationship with the flight school, so if you have concerns about a check instructor then the pilot school may agree with you and limit their check instructor's authority as recommended by the POI.  
{Q&A-616}

**QUESTION:** What kind of documentation is required to be on file at the pilot school to ensure that the jurisdictional FAA FSDO has approved a particular check instructor?

**ANSWER:** Ref. § 141.37 and § 141.21(a) and (c); The documentation that should be on file at a pilot school in a check instructor's records need to be able to verify a check instructor's qualifications, as per § 141.37. Otherwise, as a minimum, a pilot school would be expected to maintain the following documentation in a check instructor's file consisting of the following:

- Documentation that verifies the satisfactory completion of the test on Teaching methods; Applicable provisions of the "Aeronautical Information Manual"; Applicable provisions of parts 61, 91, and 141 of this chapter; and The objectives and course completion standards of the approved training course for the designation sought [see § 141.37(a)(1) and (b)(2)(i)].
- Documentation that verifies that the check instructor meets the required airman qualifications and PIC recent flight experience requirements of § 61.57 [see § 141.37(a)(2)(ii) and (iii)].
- Documentation that verifies the satisfactory completion of the proficiency test given by the chief instructor, [see § 141.37(a)(1)(iv)].
- Verification of the check instructor's pilot certificate, and flight instructor certificate or ground instructor certificate, as appropriate, in order to prove meeting the required airman qualifications [see § 141.37(a)(3)(i) and, (ii) or (iii), as appropriate].
- Documentation that was signed by the chief instructor that shows the check instructor's authority for conducting student stage checks, end-of-course tests, and instructor proficiency checks, as appropriate, and [see § 141.37(b)(1)].
- Verification that shows that pilot school has received approval from its jurisdictional FSDO that the check instructor has been approved [see § 141.37(b)(2)].

{Q&A-580}

**QUESTION:** We're having a deep discussion out here regarding the class medical required for a 141 school assistant chief flight instructor. Reading the preamble, it says that references to medical certificate requirements in section 141.37 were deleted from the final rule.

One argument is this brings us to the basic presumption that if a commercial pilot certificate is a requirement under the FAR (which it is), then a second-class medical is required.

Another argument is that the assistant chief flight instructor is being paid as a CFI, not a commercial pilot, therefore he/she is not flying for hire (commercial pilot). The syllabus states that all phase checks of pilots enrolled in the school's Private Pilot Certification Course are dual instruction flights even though the student is being tested. The assistant chief flight instructor must simply be the PIC, and to act as PIC he/she only needs a 3rd class medical.

The question is, does the Assistant Chief Instructor need to possess a valid second class medical certificate, or can he possess just a valid third class medical certificate, which he does have?

**ANSWER:** Ref. § 61.23(a)(3)(iv); An assistant chief flight instructor, and even a chief flight instructor of a Part 141 school, need only hold a 3rd class medical certificate. The second "argument" is valid.

However, don't forget the provisions of § 61.23(b)(5), because in that situation:

“. . . A person is not required to hold a medical certificate . . . When exercising the privileges of a flight instructor certificate if the person is not acting as pilot in command or serving as a required pilot flight crewmember. . .”

{Q&A-143}

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**QUESTION:** § 141.37 (b)(2) states that the Check Instructor has to be approved by FAA, but it does not say this has to be in writing. My thought is that it should be. Do you agree?

**ANSWER:** Ref. § 141.37(b)(2): No, it does not have to be in writing from the FSDO. When we wrote that requirement, we wanted to make it as easy for the school and the FSDO as possible. Less paperwork is the best way as far as we are concerned. However, § 141.37(b)(1) does state "Be designated, in writing, by the chief instructor . . .” Meaning, it has to be writing and on file at the school.

{Q&A-117}

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**QUESTION:** We need the definition of "Principal Instructor". We have our opinion but I think this is to critical for opinion's. How about going back to the regulation framer's and getting one for us. This rule could have a large impact on certain operators.

**ANSWER:** Ref. § 141.37(c)(1); The term "principal instructor" is not defined in Part 141. However, the term "principal instructor" is contained in the text of § 141.37(c)(1) and states "A check instructor may not conduct a stage check or end-of-course test of any student for whom the check instructor has:

- (1) Served as the principal instructor; or
- (2) Recommended for a stage check or end-of-course test.

The intent of § 141.37(c)(1) was to prevent an instructor from endorsing his or her own student for a stage or end-of-course test and then also perform the test as the Check Instructor. Our intent here was to place restrictions on the Check Instructors that are similar to the requirement placed on DPE's (i.e., FAA Order 8710.3C, paragraph 5.).

Order 8710.3C does not permit DPE's to conduct practical tests on their own students for whom they signed off. It requires the last 3 hours to be given by another instructor who signs the applicant's application that actually authorizes the applicant to take the practical test.

Therefore, in answer to your specific question, a check instructor who recommends a student for the stage or end-of-course test may not also conduct the stage or end-of-course test on that student.

Additionally, if a check instructor conducts the stage or end-of-course test on a student, then the last 3 hours of training prior to the stage or end-of-course test must have been conducted by another instructor and that instructor must be the one that recommended the student for the stage or end-of-course test.

{Q&A-25}

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## § 141.38 Airports

**QUESTION:** We have a pilot school applying for an NVG training course under § 141.57 and wants the ability to take the course to their customers in various cities and use the customer's aircraft. Given the requirement to list all airports from which flights originate in the TCO, can a Part 141 pilot school take a course "on the road"?

**ANSWER:** Ref. § 141.38(a) and § 141.55(c)(4) and (5); Because of the requirements of § 141.38(a), it could not be approved without the pilot school first receiving a grant of exemption. The way the pilot school intends to administer their NVG training course is unique in comparison to the norm. We in AFS-840 would certainly entertain the thought of addressing the pilot school's petition for exemption. AFS-840 would need to consult with the jurisdictional FSDO to make sure if a grant of exemption were issued what conditions and limitations would need to be drafted into the grant of exemption. I know this would be precedent setting, because there haven't been any previously issued grants or denials of exemption on this subject matter.

You stated that the NVG course would be a special curricula under § 141.57. I would think that an NVG course could be approved as a Special Operations Course under Part 141, Appendix K, para. 9. In fact, I know when the Special Operations Course was drafted into Part 141, Appendix K, para. 9, NVG training was the primary training course that was considered for proposing a Special Operations Course.

{Q&A-616}

**QUESTION:** Per § 141.38(a), it states that an applicant for a pilot school certificate or provisional pilot school certificate must show that he or she has continuous use of each airport at which training flights originate. How would an applicant for a pilot school certificate or provisional pilot school certificate show having continuous use of each airport at which training flights originates?

**ANSWER:** Ref. § 141.38(a); § 141.21(a) and (c); and FAA Order 8700.1, Vol. 2, Chapter 141, page 141-5, para. 13.A.(6); Neither the rule language in § 141.38(a) or the information contained in FAA Order 8700.1 establishes specifically how a pilot school would prove that it has continuous use of each airport at which training flights originates. However, per § 141.27(c), the rule does require that a pilot school “. . . must allow the Administrator to inspect its personnel, facilities, equipment, and records to determine the certificate holder's: . . . (c) Compliance with the Federal Aviation Regulations.” Therefore, a pilot school must be able to prove that it has continuous use of each airport at which training flights originates.

The commonly accepted means for being able to show a pilot school has continuous use of an airport is either a memorandum of agreement or a lease agreement with the airport authority, or ownership documents of the airport property. However, since neither the rules or FAA Order 8700.1 contains specific information on what is needed to show continuous use of each airport at which training flights originates then it may be advisable to consult with the FAA's jurisdictional regional counsel office for guidance. I've never heard that a pilot school applicant has not been able to show some kind acceptable kind of documentation for showing it has continuous use of its airport.

{Q&A-580}

**QUESTION:** Do the provisions for non-permanent or shoreline lighting apply to airports where ASEL training is taking place or is that provision for seaplane training only?

**ANSWER:** Ref. § 141.38(f), The rule says airport or seaplane base for “. . . seaplanes . . .” So the rule could not be applied to training in airplane single engine land. The provision is for seaplanes only.

{Q&A-424}

## § 141.39 Aircraft

**QUESTION:** FAQ 201 currently requires dual controls for braking as an interpretation of § 141.39. This conclusion appears to conflict with HBGA 00-08. Could you revisit this issue?

**ANSWER:** Ref. Flight Standards HBGA 00-08, paragraphs 2. D. and 3 and § 141.39(d); I made a mistake on how I answered Q&A-201. I will need to revise Q&A-201 on the next update. Per HBGA 00-08, paragraphs 2. D. and 3, it states:

### 2. BACKGROUND

\* \* \*

“D. Based on FAA’s long standing interpretation that brakes are not required controls under 14 CFR section 91.109(a), and upon determining that safety has not been impacted negatively, on April 27, the Office of General Counsel clarified its position that the term “dual controls” as used under 14 CFR section 91.109(a) refers solely to the flight controls of an aircraft (e.g., pitch, yaw, and roll controls).”

“3. ACTION. Aviation safety inspectors in all Flight Standards District Offices (FSDO) are requested to advise certificated flight instructors, certificated pilot schools, and affected aircraft owners and operators within their jurisdiction, that FAA’s previous and long standing policy regarding this matter continues to apply and that civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.”

{Q&A-614}

Correction of Q&A-201

QUESTION: In reference to § 141.39,

- What are engine power controls?
- What is meant by “two pilot stations?”
- Are engine power controls the only controls that are required?
- What about rudder controls?
- How about brake controls?
- How about flight controls?

ANSWER: Ref. Flight Standards HBGA 00-08, paragraphs 2. D. and 3 and § 141.39(d); I made a mistake on how I answered Q&A-201 initially on August 4, 1998 in the Frequently Asked Question on the requirement of dual brake controls. Per HBGA 00-08, paragraphs 2. D. and 3, it states:

## 2. BACKGROUND

\* \* \*

“D. Based on FAA’s long standing interpretation that brakes are not required controls under 14 CFR section 91.109(a), and upon determining that safety has not been impacted negatively, on April 27, the Office of General Counsel clarified its position that the term “dual controls” as used under 14 CFR section 91.109(a) refers solely to the flight controls of an aircraft (e.g., pitch, yaw, and roll controls).”

“3. ACTION. Aviation safety inspectors in all Flight Standards District Offices (FSDO) are requested to advise certificated flight instructors, certificated pilot schools, and affected aircraft owners and operators within their jurisdiction, that FAA’s previous and long standing policy regarding this matter continues to apply and that civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.”

So, an aircraft used for training or for a practical test need not have dual brake controls.

Section 141.39(d) states:

“(d) Each aircraft used in flight training must have at least two pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations; and”

As you have noticed, there was a minor subtle change in the new § 141.39(d) because the words “at least two pilot stations” were added in place of the words “two place aircraft” that was in the old § 141.39(d). When the new § 141.39(d) states “. . . at least two pilot stations . . .” it means, in effect, that the aircraft must be capable of being flown from either “pilot station.” Those words were specifically incorporated into the rule, because in the old § 141.39(d) it was felt the words “two place aircraft” did not clearly state that both “places” had to have functioning dual controls. So we added the words “at least two pilot stations” to clarify this issue.

Does having “. . . at least two pilot stations . . .” mean the aircraft has to have functioning dual brake controls? As per HBGA 00-08, paragraphs 2. D. and 3, the answer is no, both pilot stations do not have to have dual controls for braking. This is the background information provided in HBGA 00-08:

- Neither previous nor current 14 CFR section 61.45 or 91.109 have listed brakes as a “required control” in a civil aircraft when used for either flight instruction or a practical test.
- The Federal Aviation Administration (FAA) has held that both flight instruction and practical tests may be conducted in an airplane without dual brakes when the instructor/examiner determines that the instruction or practical test, as applicable, can be conducted safely in the aircraft. Further, numerous makes and models of both single- and multi-engine civil aircraft, not equipped with two sets of brakes or a central handbrake, have been used to provide flight instruction required for virtually all certificate and rating areas authorized under 14 CFR part 61.
- The FAA Office of General Counsel (AGC) responded to a recent request from industry for an interpretation of the requirement for the brakes on the right side to be equal to the brakes on the left. AGC’s response stated that the brakes on the right side did not have to be a duplicate or equal to the brakes on the left side; however, the response inadvertently stated that the brakes on the right side were required. Therefore, it meant that the operating controls accessible to the pilot in the right seat of the aircraft, or to both pilots in a tandem seated aircraft must be capable of performing the same function. This effectively required that an aircraft used for flight instruction or a practical test must be equipped with two sets of brakes or a central handbrake.
- Title 14 CFR section 91.109(a) states, in part, that no person may operate a civil aircraft that is being used for flight instruction unless that aircraft has fully functioning **dual controls**.
- Title 14 CFR section 141.39(d) provides that each aircraft used in flight training must have at least two pilot stations with **engine power controls** that can be easily reached and operated in a normal manner from both pilot stations.
- Title 14 CFR section 61.45(b)(1)(i) provides that an aircraft used for a practical test must have the equipment for each area of operation required for the practical test. For example, an examiner may conduct a flight instructor practical test with an applicant in the right seat without brakes on that side. If a task requires the applicant to use the brakes, he or she may either switch seats with the examiner to perform the task or ask the examiner to apply and release the brakes at the applicant’s request.
- Title 14 CFR section 61.45(c) provides that an aircraft (other than lighter-than-air aircraft) used for a practical test must have **engine power controls and flight controls** that are easily reached and operable in a conventional manner by both pilots, unless the examiner determines that the practical test can be conducted safely in the aircraft without the controls being easily reached.
- As noted, dual brakes are not a requirement in either of the above sections of 14 CFR.
- Based on FAA’s long standing interpretation that brakes are not required controls under 14 CFR section 91.109(a), and upon determining that safety has not been impacted negatively, on April 27, the Office of General Counsel clarified its position that the term “dual controls” as used under 14 CFR section 91.109(a) refers solely to the flight controls of an aircraft (e.g., pitch, yaw, and roll controls).
- Aviation safety inspectors in all Flight Standards District Offices (FSDO) are requested to advise certificated flight instructors, certificated pilot schools, and affected aircraft owners and operators within their jurisdiction, that FAA’s previous and long standing policy regarding this matter continues to apply and that civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.

Engine power controls are just what it says, controls/levers/mechanisms that control the engines.

Yes, the aircraft requires separate rudder controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . . .”

Yes, the aircraft requires separate flight controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . . .” However, it is possible to give some training [review §91.109(a) and (b)(3)] to have a throw over control wheel in lieu of a fixed, dual controls.

{Q&A-201a}

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**QUESTION:** Does a training airplane used in a Part 141 pilot school have to have dual brakes in addition to 2 pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations?

**ANSWER:** Ref. § 141.39(d) and HBGA 00-08; On page 2 of HBGA 00-08, it states, in pertinent part, “. . . civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.” Therefore, dual brakes are not required.

But from a personal opinion, dual brakes are highly recommended and in fact I personally would be hesitant to give training or conduct a practical test without dual brakes on an airplane. But again, that is my personal opinion. I guess I have performed one too many aborted takeoffs and short field takeoffs and landings to ever leave the chalks without dual brakes. Again, this is merely my personal opinion.

{Q&A-580}

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**QUESTION:** Is this permissible for an airplane owned by a student to be used in a Part 141 approved course by that student and his instructor? The school uses the same make and model airplane in its approved TCO. If so, what maintenance requirements must the aircraft meet? This airplane is not a rental aircraft. It is flown only for personal use by the owner. Section 141.39(c) states in part that each aircraft must be maintained IAW subpart E of part 91 that apply to aircraft operated for hire. As stated before this airplane is not flown for hire. Questions is, does this aircraft need a 100 hour inspection or is a current annual inspection per § 91.409(a)(1) appropriate in this situation?

**ANSWER:** Ref. § 141.39(c); Yes, a student's airplane may be used in a Part 141 approved course by that student and his instructor. The airplane must be maintained in accordance with the requirements under Subpart E of Part 91 that apply to aircraft being operated for hire. If the owner's airplane is being used by the school in the school Part 141 TCO, then the school must comply with the provisions of § 141.39(c) and that means the provisions Subpart E of Part 91 that apply to aircraft being operated for hire. Which means, the school must ensure the airplane is maintained with a 100-hour and annual inspection in accordance with the provisions of Subpart E of Part 91 that apply to aircraft being operated for hire.

{Q&A-575}

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**QUESTION:** § 141.39(e) requires that each aircraft used in a course involving IFR en route operations and instrument approaches must be equipped and maintained for IFR operations. Many light helicopters cannot be certificated for IFR operations. Is there any circumstance that would permit a Part 141 school to utilize a VFR aircraft to conduct all of the school's IFR training?

**ANSWER:** Ref. § 141.39(e) and § 91.205(d); The aircraft need not be certificated for IFR operations, because § 141.39(e) only requires that the aircraft “. . . must be equipped and maintained for IFR operations.” And that means the aircraft's instrument and equipment must be able to comply with § 91.205(d).

{Q&A-509}

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**QUESTION:** Aircraft that hold a primary airworthiness certificate can be used in an approved Part 141 training course. As per FAR Part 43, it is permissible for the “pilot -owner”, who holds at least a private pilot certificate and who has been trained by and has received a certificate of competency from an FAA-approved source to perform maintenance on primary category aircraft. As per Advisory Circular No.21-37, it permits the “pilot-owner” to perform a defined list of maintenance tasks identified on the type certificate data sheet or listed in the STC of a primary category aircraft. Is it permissible for “pilot -owner” to perform maintenance on their own primary aircraft that is used in an approved Part 141 training course?

**ANSWER:** Ref. § 141.39(c); A “pilot-owner” is not permitted to perform maintenance on their own primary aircraft that is used in an approved Part 141 training course. As it states in § 141.39(c):

“(c) Each aircraft must be maintained and inspected in accordance with the requirements under subpart E of part 91 of this chapter that apply to aircraft operated for hire;”

And when you read subpart E of Part 91, it directs you to FAR Part 43 (§43.7). And per FAA Order 8130.2C, Figure 4-12, page 108, paragraph 3, it states “No person may operate a primary category aircraft certificated under FAR 21.184 unless within the preceding 12 calendar months the annual inspection required by FAR 91.409(a) has been performed. A 100-hour inspection required by FAR 91.409(b) is required if the aircraft is used for rental or flight instruction for hire. The aircraft may only be returned to service by persons authorized by FAR 43.7.”

Otherwise, it means any maintenance performed on a primary category aircraft that is used in a Part 141 training course must be performed by an appropriately qualified FAA-approved repair station or an appropriately qualified and rated FAA mechanic.

{Q&A-247}

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**QUESTION:** What are engine power controls? What is meant by “two pilot stations?” Are engine power controls the only controls that are required? What about rudder controls? How about brake controls? How about flight controls?

**ANSWER:** Ref. § 141.39(d); The old § 141.39(d) stated:

“For use in flight instruction, it must be at least a two place aircraft having engine power controls and flight controls that are easily reached and that operate in a normal manner from both pilot stations.”

The new § 141.39(d) states:

“(d) Each aircraft used in flight training must have at least two pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations; and”

As you have noticed, there was a minor subtle change in the new § 141.39(d) because the words “at least two pilot stations” were added in place of the words “two place aircraft” that was in the old § 141.39(d). When the new § 141.39(d) states “. . . at least two pilot stations . . .” it means, in effect, that the aircraft must be capable of being flown from either “pilot station.” Those words were specifically incorporated into the rule, because in the old § 141.39(d) it was felt the words “two place aircraft” did not clearly state that both “places” had to have functioning dual controls. So we added the words “at least two pilot stations” to clarify this issue.

Does having “. . . at least two pilot stations . . .” mean the aircraft has to have functioning dual brake controls? The answer is yes, both pilot stations have to have dual controls for braking. But it is possible to have foot brakes on one of the pilot stations and then the other pilot station could have accessibility to a hand brake.

Engine power controls are just what it says, controls/levers/mechanisms that control the engines.

Yes, the aircraft requires separate rudder controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . .”

Yes, the aircraft requires separate flight controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . .” However, it is possible to give some training [review §91.109(a) and (b)(3)] to have a throwover control wheel in lieu of a fixed, dual controls.

{Q&A-201}

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## **§ 141.41 Flight simulators, FTD's, & training aids**

**QUESTION:** A school sells their flight-training device (FTD) to another school. The FTD held conferred Level 1 status, in accordance with § 61.4(b), with the selling school. However, when the purchasing school takes ownership of this conferred Level 1 FTD, does it continue to hold that conferred Level 1 status? If so, what kind of annual inspection must this conferred Level 1 FTD undergo in order to retain its conferred Level 1 status?

**ANSWER:** Ref. § 61.4(b), FAA Order 8700.1, Chapter 34, page 34-5, para. 5.C. (1), (2), and (3), and HBGA 99-06; Yes, a conferred Level 1 FTD will continue to hold conferred Level 1 FTD status, provided the new owner is able to show that this conferred Level 1 FTD “. . . can be shown to function as originally designed, is

considered to be a flight training device, provided it is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval.”

However, the new owner should notify (in writing by letter) its jurisdictional FSDO that he/she has purchased a conferred Level 1 FTD. The jurisdictional FSDO should issue the new owner an LOA for the FTD that is consistent with the original LOA issued by AFS-800. [See FAA Order 8700.1, Chapter 34, page 34-5, para. 5.C. (1), (2), and (3) and HBGA 99-06]

As for what kind of inspection must the conferred Level 1 FTD undergo by the jurisdictional FSDO in order to retain its conferred Level 1 status, I contacted Inspector Lauren Basham, AFS-840 and he provided me the following answer:

“Neither AC 120-45A nor FAA Order 8700.1, Chapter 34 address the sale or transfer of ownership and use of a conferred Level 1 FTD. When these kinds of questions have arisen in the past, the AFS-800 has instructed the new owner and the jurisdictional FSDO about the requirements of FAA Order 8700.1, Chapter 34, page 34-5, para. 5.C. (1) and (2) and HBGA 99-06. The new owner should advise the jurisdictional FSDO in writing that he/she has purchased a conferred Level 1 FTD. The new owner should ensure that its conferred Level 1 FTD functions as it should and explain to the jurisdictional FSDO how he/she intends to use it. The FSDO should inspect and verify that the FTD functions as it should and issue the new owner an LOA in accordance with HBGA 99-06 (issued April 8,1999).”

{Q&A-480}

## § 141.53 Approval procedures: General

**QUESTION:** Now as a follow-on, some people have asked whether it is permissible for schools to make application for these so called “Professional Pilot Courses” under § 141.57?

As an example, the scenario is a Part 141 school that is applying for a combined Private Pilot Certification Course-Airplane Single Engine Land Rating, Instrument-Airplane, and a Commercial Pilot Certification Course-Airplane Single Engine Land Rating. Otherwise, this Part 141 school wants to combine the requirements of Appendix B, Appendix C, and Appendix D of Part 141 into one syllabus. Is this possible under just ONE syllabus or does the school have to submit individual syllabuses for each rating?

**ANSWER:** Ref. § 141.53(a); The answer is yes, it is possible for these “Professional Pilot Courses” to be approved under ONE syllabus. However, it would require, as it states in § 141.57, “. . . the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part . . .” Otherwise, the breakdown in the course time would have to be as follows:

Total in Each Phase	Dual Time	Solo Time
Appendix B:		
Ground 35		
Flight 35	20	5
Appendix C:		
Ground 30		
Flight	35	35
Appendix D:		
Ground 35		
Flight <u>120</u>	<u>55</u>	<u>10</u>
190	110	15

However, the eligibility requirements for enrollment in the flight portions of the different phases of the course still apply. As in the case of the Private Pilot-ASEL portion of this syllabus, per Appendix B, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.”

And as in the case of the Instrument Rating-Airplane portion of this syllabus, per Appendix C, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold at least a private pilot certificate with an aircraft category and class rating appropriate to the instrument rating for which the course applies prior to enrolling in the flight portion of the instrument rating course.”

As in the case of the Commercial Pilot-ASEL portion of this syllabus, per Appendix D, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:

(a) At least a private pilot certificate; and

(b) If the course is for a rating in an airplane or a powered-lift category, then the person must:

(1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or

(2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.”

**QUESTION:** Do you approve “. . . a special course of pilot training . . .” as described in § 141.57 just like you would any course of pilot training under Part 141?

**ANSWER:** Ref. § 141.53; Yes, you would approve “. . . a special course of pilot training . . .” just like it says in § 141.57 “. . . a pilot school certificate or provisional pilot school certificate may apply for approval . . .” And § 141.53 is the rule that establishes the general course approval procedures in Part 141. But for a detailed description of the approval procedures process for a Part 141 training course, FAA Order 8700.1, Volume 2, Chapter 142 is the appropriate reference. The only difference in approving a special course of pilot training is these training courses must contain features that could achieve a level of pilot proficiency equivalent to that achieved by “. . . a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.” [i.e., § 141.57]  
{Q&A-246}

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**QUESTION :** The scenario is a Part 141 school that is applying for a combined Private Pilot-Airplane Single Engine Land, Instrument-Airplane, a Commercial Pilot-Airplane Single Engine Land, and an add-on airplane multiengine land rating at the Commercial Pilot Certificate level. Otherwise this Part 141 school wants to combine the requirements of Appendix B, Appendix C, Appendix D, and Appendix I of Part 141 into one syllabus. Is this possible under just ONE syllabus or does the school have to submit individual syllabuses for each rating?

**ANSWER:** Ref. § 141.53(a); The answer is yes it is permissible under just ONE syllabus. This format is exactly like those courses in the old Part 141 that were known as “The Professional Pilot Course.” Per § 141.53(a), it states:

(a) General. An applicant for a pilot school certificate or provisional pilot school certificate must obtain the Administrator’s approval of the outline of each training course for which certification and rating is sought.

And the school is only seeking “. . . approval of the outline of each [ONE] training course . . .”

However, the eligibility requirements for enrollment in the flight portion of the different phases of the course still apply. As in the case of the Private Pilot-ASEL portion of this syllabus, per Appendix B, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.”

And as in the case of the Instrument Rating-Airplane portion of this syllabus, per Appendix C, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold at least a private pilot certificate with an aircraft category and class rating appropriate to the instrument rating for which the course applies prior to enrolling in the flight portion of the instrument rating course.”

As in the case of the Commercial Pilot-ASEL portion of this syllabus, per Appendix D, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:  
(a) At least a private pilot certificate; and  
(b) If the course is for a rating in an airplane or a powered-lift category, then the person must:  
(1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or  
(2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.”

As in the case of the add-on airplane multiengine land course at the Commercial Pilot Certificate level, that portion of this syllabus, per Appendix I, paragraph 2 it states:

2. Eligibility for enrollment.

“A person must hold the level of pilot certificate for the additional aircraft category and class rating for which the course applies prior to enrolling in the flight portion of an additional aircraft category or additional aircraft class rating course.”

**QUESTION:** If it is permitted, what are the total minimum hours required for a course of training like this?

**ANSWER:** The total times in each phase of the course are as follows:

	Total in Each Phase	Dual Time	Solo Time
Appendix B:	35	20	5
Appendix C:	35	35	
Appendix D:	120	55	10
Appendix I:	<u>10*</u>	<u>10*</u>	<u>    </u>
	190 or 200	110 or 120	15

\*Under this combined syllabus, it is permissible, depending how the syllabus is designed, to incorporate the add-on airplane multiengine land course at the Commercial Pilot Certificate level (Appendix I) into the Commercial Pilot-ASEL portion of this syllabus (Appendix D) and the course total time remains at 190 hours. You ask how? Ever notice the difference between adding the total dual and solo time vs. the Total Course Time. As for example, the Commercial Pilot Certification Course requires 55 hours of dual time and 10 hours of solo time. But the total course time calls for 120 hours of total time. You have a difference of 55 hours. How that difference of 55 hours is allocated between solo time and dual time is entirely up to the school. In fact, it is permissible for an individual lesson to be identified as “Solo or dual.” So when the student gets to that lesson in the course, if the student’s instructor believes the time would be better served performing solo flight then solo flight it will be. However, if the instructor believes the time would be better served performing a dual flight then dual flight it will be.

I realize for all of us, the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school’s success and the course’s success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time.

In approving training courses, the new Part 141 has reduced the need for a lengthy review process. To approve the training courses, you should only need to review the training courses to ensure conformity with § 141.55 and then ensure the training course contents and times comply with the appropriate Appendix of Part 141. And if the course is submitted under § 141.55(d) or (e), you needn’t worry about the course times. For those reduced course times, Part 141 has not established a standard. Believe me, if any school attempts to submit a completely ridiculous low

reduced time, § 141.83(a)(2) should be brought to the school's attention [i.e. ". . . Provide training of such quality that meets the requirements of § 141.5(d) of this part. . ."] Otherwise, at the end of 2 years, the school better show an 80% first pass rate!

{Q&A-192}

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**QUESTION:** During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

**ANSWER:** Ref. § 141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.

{Q&A-141}

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**QUESTION :** Can a student continue to train on an old syllabus after August 4 or must they transfer to a new syllabus, or just meet the new regulation graduation requirements OR are they grandfathered to be able to graduate under the syllabus requirements that they enrolled under?

**ANSWER:** Ref. § 141.53(c)(1). At 12:01am on August 4, 1998 ALL students must graduate under the new curriculum requirements. No student may remain in the old curriculum after 12:01am on August 4, 1998.

{Q&A-149}

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**QUESTION:** With the new rule effective 8/4/97 - do currently certificated schools need to realign to the new rule or can they operate under the old until their certificate comes up for renewal?

**ANSWER:** Ref. § 141.53(c)(1); Per § 141.53(c)(1), it states: "Training Courses. A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997. Otherwise, all existing Part 141 pilot schools who have approval to operate under a Part 141 approved course of training retains that approval until August 4, 1998. However, if a school elected to receive approval under the new Part 141 requirements at 12:01 midnight on August 4, 1997 that would be permitted also.

{Q&A-2}

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**QUESTION:** A 141 school is still certificated under the old Part 141. Are they allowed to operate, other than their syllabus, under the new 141?

**ANSWER:** Ref. § 141.53(c); It applies to training courses, not Part 141 school certification and operational requirements. Except for the training courses, on August 4, 1997 all our Part 141 schools became certificated under the new Part 141.

{Q&A-74}

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**QUESTION:** We presumed that when the requirements changed that all new applicants must meet the new numbers before being qualified. What can we use to assure we are passing on the right information for this and any future confusing points? We have a series of seminars scheduled for our flight instructors where we will cover Part 61 in depth, hopefully in its most accurate form.

**ANSWER:** Ref. § 141.53; Appendix E of Part 141; and § 61.1(b)(3)(iv); The answer that we in AFS-840 have given on whether previously logged (i.e., prior to August 4, 1997) cross country time for the ATP certificate will still count even though it may not meet the new cross country definition, the answer is yes it will count. The FAA cannot go back and take time away from people, nor have we ever done that as far as I know in the past. So if a holder of a commercial pilot certificate who has logged cross country time under the old policy requirements prior to August 4, 1997, and is seeking to use that time for the cross country aeronautical experience for ATP certification, the time will count. Ensure the cross country time that the person is attempting to credit is legitimate under the old policy guidelines and it was credited after the person earned his or her commercial pilot certificate. However, on August 4, 1997 and from hereon out, any newly logged cross country time must meet the new cross country definitions.

There is no grace period under Part 61 for applicants not to have to meet the new Part 61 aeronautical experience requirements. Unless the applicant is a Part 141 graduate, if the checkride occurred on or after August 4, 1997 then the applicant must meet the new Part 61 requirements. Part 141 graduates are treated differently. In the new § 141.53(c), schools have until August 4, 1998 to convert their courses over to the new Part 141 requirements. Once the school's course(s) convert over to the new Part 141 requirements, the grace period ends for Part 141 students who enroll in the new course(s). Even then, we anticipate that some Part 141 students who are enrolled in the old course(s) will need some time to finish their course(s) to completion.

But that grace period, for Part 141 graduates only, terminates at 12:00:01 am on August 4, 1998. If Part 141 graduates have not completed their training and finished their practical test by 11:59:59pm on August 3, 1998 then the time is up. No more time will be afforded to them.

{Q&A-62}

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**QUESTION:** I have reviewed your cc mail message of 07/23/97 regarding § 141.53(c)(1) as it applies to approved flight schools. I was not able to glean an answer for the following:

I have two Part 141 flight schools operating under a provisional certificate which will not expire until 1999. My understanding from your memo is that effective 08/04/98 ALL flight schools will have to be renewed. Because these schools will have had their certificates less than two years, the schools will probably not have trained enough applicants to qualify for a standard school certificate by then. There is no allowance for the renewal of a provisional certificate. What are my options next August?

**ANSWER:** Ref. § 141.53(c)(1); In our July 27 memo, we never said the school certificates had to be renewed. We said the "training courses" had to revert over to the new Part 141 requirements by August 4, 1998. As you well know, you don't renew school certificates every time you approve a revised "training course."

{Q&A-63}

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**QUESTION:** If an applicant fails the test under the old part 61, when he retakes the practical, does he have to meet the new rule. I've been told yes and no by FAA officials

**ANSWER:** Ref. § 141.53(c)(1); If a student is retaking the practical test on or after August 4, 1997, then the applicant is required to meet the new Part 61 requirements.

There is one exception, if the applicant is a graduate of a Part 141 school, then § 141.53(c)(1) provides that "A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, Part 141 schools have until August 4, 1998 to get their courses approved.

{Q&A-52}

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**QUESTION:** Is a student enrolling in September 1997 in a Part 141 school required to have a student certificate before beginning flight training? The TCO has no enrollment requirements for the Private Pilot Certification Course. The Jeppesen syllabus states on pg. 2-2. "There are no specific prerequisites for enrolling in the course and beginning your training." However, now Part 141, Appendix B 2 requires a student or recreational pilot certificate for enrollment in the private course.

**ANSWER:** Ref. § 141.53(c)(1); As it states in § 141.53(c)(1) "A training course submitted for approval prior to August 4, 1997 must, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, the TCO's that were approved under the old Part 141 remain in effect until 11:59:59 pm on August 3, 1998. At midnight, all schools have to have their TCO's approved in accordance with the new Part 141 and the old TCO's become obsolete.

So if any old TCO, approved under the old Part 141, didn't have any enrollment requirements then that is okay until 11:59:59 pm on August 3, 1998. But any new TCO, approved under the new Part 141, has to comply with the appropriate enrollment requirements. And in reference to the specific question you asked it says in the new Appendix B, paragraph 2 "A person must hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course."

It doesn't make any difference when the student enrolls, the school, in accordance with § 141.53(c)(1), is permitted to continue to operate under the old TCO until 11:59:59 pm on August 3, 1998. And under the old TCO there were

no enrollment requirements. Now if this school were to have requested and obtained approval of a new TCO on or after August 4, 1997 and the student is enrolled in one of these TCO's that has been approved under the new Part 141, then and only then would he/she be required to “. . .hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.”  
{Q&A-82}

## § 141.55 Training course: Contents

QUESTION: May we apply for a course time completion of less than 190 hours in a combined course under § 141.55(d)/(e)?

For example:	<u>Flight Time</u>	<u>FTD Time</u>
Private Pilot Certification Course:	55	8
Instrument Airplane Rating Course	20	20
Commercial Pilot Certification Course	<u>85</u>	
Add-on rating course (ASEL or AMEL)		<u>10</u>
	160	38

ANSWER: Ref. § 141.55(d)(1); Yes, you may apply for initial approval for a reduced time course, provided your pilot school has held its pilot school certificate for at least 24 consecutive calendar months preceding the month of your request for reduced time course. However, do not read into this answer that I am approving the hours that you have stated in your example. Only your supervising FAA Flight Standards District Office can approve your courses and course times.

{Q&A-630}

QUESTION: I am the Chief Instructor of a Part 141 pilot school. My pilot school is developing our own syllabus for the private pilot, instrument rating, commercial pilot, and flight instructor certification courses.

Right now we are an approved Part 141 pilot school for the Private Pilot, Instrument Airplane Rating, and Commercial Pilot Certification Courses. Our Flight Instructor Certification Courses are provided under Part 61. We want to include the flight instructor certification course in our approved Part 141 courses. Can we submit our Flight Instructor Certification Courses for Part 141 approval under a reduced time course? And if so, do we have to submit it for approval first, but comply with course time requirements of Appendix F and then after a period of time submit the reduced time course for approval?

ANSWER: Ref. § 141.55(d)(1); The rule only requires that your pilot school have held a Part 141 pilot school certificate (emphasis added: “a pilot school certificate,” not a provisional pilot school certificate) for at least 24 consecutive calendar months preceding the month of your request for a reduced time course. Therefore, your flight instructor certification course would not have had to be under your Part 141 pilot school certificate, but your pilot school must have held its pilot school certificate for at least 24 consecutive calendar months preceding the month of your request for a reduced time course.

{Q&A-630}

QUESTION: FAA Notice 8700.29 “Incorporating Standard Operating Procedures During Taxi Operations in Training Programs, the Use of Standard Operating Procedures During Taxi Operations, and Special Emphasis Items for Runway Incursion Surveillance” speaks of the TCO to incorporate this guidance. If this is what this really means, would the guidance be incorporated into the training course outlines of § 141.55(b)(7)(ii) or, would it be incorporated into the Safety Procedures § 141.93(a)(3)?

Now, if it is to be incorporated into the TCO [§ 141.55(b)(7)(ii)], would this be required to added as a page into the Jeppsen training syllabus or Cessna training syllabus, whichever the schools are using. I was thinking it would be identified under communication, taxing etc. I am sure there are a number of places the information will need to be addressed.

ANSWER: Ref. FAA Notice 8700.29 "Incorporating Standard Operating Procedures During Taxi Operations in Training Programs, the Use of Standard Operating Procedures During Taxi Operations, and Special Emphasis Items for Runway Incursion Surveillance" paragraphs 4 and 5.b.(1); For Part 141 pilot schools, this required training on aircraft lighting during taxi and takeoff operation and readback/hearback on hold short, position and hold, and runway crossing should be incorporated in the training course outlines as per FAA Notice 8700.29, paragraph 5.b.(1). The subject matter of this kind of training would also be appropriate for incorporating into the pilot school's safety procedures and practices of § 141.93(a)(3). Therefore, this training should be in both the pilot school's TCOs and its safety procedures and practices.  
{Q&A-628; Locate in the Q&As of § 141.55(b)(7)(ii) and § 141.93(a)(3)(ii) and (viii)}

QUESTION: We have a pilot school applying for an NVG training course under § 141.57 and wants the ability to take the course to their customers in various cities and use the customer's aircraft. Given the requirement to list all airports from which flights originate in the TCO, can a Part 141 pilot school take a course "on the road"?

ANSWER: Ref. § 141.38(a) and § 141.55(c)(4) and (5); Because of the requirements of § 141.38(a), it could not be approved without the pilot school first receiving a grant of exemption. The way the pilot school intends to administer their NVG training course is unique in comparison to the norm. We in AFS-840 would certainly entertain the thought of addressing the pilot school's petition for exemption. AFS-840 would need to consult with the jurisdictional FSDO to make sure if a grant of exemption were issued what conditions and limitations would need to be drafted into the grant of exemption. I know this would be precedent setting, because there haven't been any previously issued grants or denials of exemption on this subject matter.

You stated that the NVG course would be a special curricula under § 141.57. I would think that an NVG course could be approved as a Special Operations Course under Part 141, Appendix K, para. 9. In fact, I know when the Special Operations Course was drafted into Part 141, Appendix K, para. 9, NVG training was the primary training course that was considered for proposing a Special Operations Course.  
{Q&A-616}

QUESTION: Q&A-424 clearly establishes that a knowledge test cannot be used as a "counter" toward proving the 90% pass rate for examining authority for a flight course. Do we follow the same logic concerning the proving of reduced time courses? In other words, can a knowledge test be used as a "counter" when proving the 80% first time pass rate for a reduced time course when the "reduced time" refers to the flight portion of the course?

ANSWER: Ref. § 141.55(e)(2)(ii); Absolutely, that same logic would apply. It was never the intent of subparagraph (ii) in § 141.55(e)(2) to allow a 80% pass rate on a knowledge test to be counted toward qualifying a pilot school for a "reduced time training course" for the flight training portion. And conversely, it was never the intent of subparagraph (ii) in § 141.55(e)(2) to allow a 80% pass rate on a practical test to be counted toward qualifying a pilot school for a "reduced time training course" for the ground training portion.

As per § 141.55(e)(2)(ii) ". . . At least 80 percent of those students passed the practical or knowledge test, or any combination thereof, on the first attempt, and that test was given by -- . . ." means is if a pilot school can show ". . . 80 percent . . . on the first attempt . . ." on the practical test then the pilot school qualifies for a "reduced time training course" for the flight training portion of its approved course. And conversely, if the pilot school can show ". . . 80 percent . . . on the first attempt . . ." on the knowledge test then the pilot school qualifies for a "reduced time training course" for the knowledge training portion of its approved course.  
{Q&A-614}

QUESTION: I'm receiving some inquiries about the approved training courses at the Cessna Learning Centers. The training courses are the ones that you in AFS-800 have reviewed and have issued a "blanket letter" that states the training course appear to meet Part 141 requirements. As you know that "blanket letter" result in some FSDOs never bothering to even review the training course syllabus because they believe the training course has Washington HQ approval.

ANSWER: Ref. § 141.55(c)(7)(iv) and (v) and FAA Order 8700.1, Vol. 2, Chapter 142, page No. 142-2, paragraph 7.D.(4) and (5), E. and F. Below is a reprint of Q&A-610 that was issued in Version No. 20 of the Part 141 Frequently Asked Questions.

The first question I believe is being asked is do these approved training courses at these Cessna Learning Centers meet the requirements that a training syllabus must have expected accomplishments and standards for each stage of training? I would say yes these training courses have expected accomplishments and standards for each the phases of training. The training course is designed so that the students' personal computer keeps track of the time spent completing the lesson and there is a quiz at the end of each "lab" session/lesson that the student must pass. And the pilot school is able to see the results of the training, how much time the student spent completing the lesson, and how many tries it took the student to answer the questions correctly when the student returns the CD-ROM. So yes, the training course has expected accomplishments and standards.

The second question I believe is being asked is do these approved training courses at these Cessna Learning Centers meet the requirements that a training syllabus must have a description of the checks and tests used to measure a student's accomplishments for each stage of training? I would say yes these training courses have a description of the checks and tests used to measure a student's accomplishments for each phase of training. The training course is designed in such a way that the students' personal computer keeps track of the time spent completing the lesson and makes the student pass a quiz at the end of each "lab" session/lesson. And the pilot school is able to see the results of the training, how much time the student spent completing the lesson, and how many tries it took the student to answer the questions correctly when the student returns the CD-ROM. So yes, the training course has a description of the checks and tests used to measure a student's accomplishments for each phase of the training course.

Granted, as you noted, there are ways that a student may be able "skew" the results of the training. But even with the stand-up platform instructor method that isn't a fail-safe way of training either. We know and have heard of all kinds of ways that students and pilot schools have been able to "skew" the results of the training using the stand-up platform instructor method. It may be a concern, but I don't believe it is a real concern. So, the answer is there is no regulatory requirement that requires a training course have immediate student-instructor interaction during the time the student is completing a Part 141-approved self study training course.

The way I see it the only difference between the training courses at these Cessna Learning Centers and the stand-up platform instructor method is that the Cessna training course uses a self-study CD-ROM and/or video tape method to providing the training. The training syllabus on the CD-ROM contains a description of each lesson, including its objectives and standards. The training syllabus on the CD-ROM provides for a measurable unit of student accomplishment and learning that can be derived from the training course. The training syllabus on the CD-ROM includes phases of training and completion standards. The training syllabus on the CD-ROM have established performance standards in the course, stages, and lesson objectives. The training syllabus on the CD-ROM has objectives that describe what the students are expected to know or be able to do at the end of the training course, stage, or lesson. The objectives stated on the CD-ROM have established desired student learning outcomes. The course objectives on the CD-ROM have established knowledge and skill goals to be reached by the student at the end of the course. The objectives stated for each phase of the training course on the CD-ROM have desired student outcomes for each lesson.

The way the students use these CD-ROMs may be considered a form of self-study, but there is built-in supervision by the pilot school that is designed in these CD-ROM administered training courses. Yes, the only instructor providing the training is on the CD-ROM or video tape, but the student's personal flight instructor does review the student's learning. The CD-ROM is the tool that provides the ground training and the training is self-study, but there are tests and completion standards designed into the CD-ROM at each phase of the training course. The CD-ROM does allow for monitoring of the student's learning by that student's own personal instructor and the pilot school. The CD-ROMs provide for a student to be mentored by his personal instructor and the pilot school. And there are phases, phase checks, and end-of-course test designed into the CD-ROM. The CD-ROM is designed to record the student's ground training time which can be downloaded by the pilot school into the student's training records. I believe these ground training courses at these Cessna Learning Center meet the requirements of § 141.55(c)(7)(iv) and (v) and FAA Order 8700.1, Vol. 2, Chapter 142. *(This answer is a reprint of Q&A-610 {Q&A-614})*

QUESTION: I'm receiving some inquiries about the approved training courses at the Cessna Learning Centers. The training courses are the ones that you in AFS-800 have reviewed and have issued a "blanket letter" that states the training course appear to meet Part 141 requirements. As you know that "blanket letter" result in some FSDOs never bothering to even review the training course syllabus because they believe the training course has Washington HQ approval.

The procedures for how these training courses work are that the students buy the CD-ROM's from the pilot school. The CD-ROM contains the entire ground training portion of the course on it. The training course is entirely self-study. The student takes the CD-ROM home and downloads the program onto his personal computer. The student's personal computer keeps track of the time spent reviewing the lesson and makes the student pass a quiz at the end of each "lab" session/lesson. The student cannot progress until he gets all of the questions correct for a given lesson. The program then produces a floppy disc with information on it that the student takes back to the school. The school downloads that data and is able to see how much time the student spent reviewing the lesson and how many tries it took for him to come up with the right answer to the questions. Supposedly, it is impossible to get through all the lessons in less than 40 hours (*e.g., for the private pilot course*). I guess it is possible that a student could just log ground training time by just leaving the computer turned on and the program running. But if that was the case I don't see how it would be possible for the student to answer the questions at the end of the lesson. But there is no direct supervision of the student by the pilot school during the time that student is completing the lessons on the CD-ROMs. A flight instructor is supposed to review each ground lesson during the flight lesson, but there is no required correlation between ground and flight lessons. Meaning, a student could do all of the ground training lessons before he begins the flight portion of the training course. So, the ground training lessons appear to me to be a self-pace home study method.

Is it permissible for a Part 141 pilot school to use a "take home" self-study ground school course in lieu of the traditional classroom lesson method? These self-study courses may range from simply viewing video tapes or just listening to audio tapes to computerized lessons that actually log the amount of time a student spends reviewing the lesson and quizzes the student at the end of each lesson with results provided to the school via a floppy disk. The common ingredient in all of these courses is a lack of interaction between the student and the instructor. Is it necessary for a student to have such interaction or is a complete self-study course acceptable under Part 141?

ANSWER: Ref. § 141.55(c)(7)(iv) and (v) and FAA Order 8700.1, Vol. 2, Chapter 142, page No. 142-2, paragraph 7.D.(4) and (5), E. and F. What I believe is really be asked here is:

The first question I believe is being asked is do these approved training courses at these Cessna Learning Centers meet the requirements that a training syllabus must have expected accomplishments and standards for each stage of training? I would say yes these training courses have expected accomplishments and standards for each the phases of training. The training course is designed so that the students' personal computer keeps track of the time spent completing the lesson and there is a quiz at the end of each "lab" session/lesson that the student must pass. And the pilot school is able to see the results of the training, how much time the student spent completing the lesson, and how many tries it took the student to answer the questions correctly when the student returns the CD-ROM. So yes, the training course has expected accomplishments and standards.

The second question I believe is being asked is do these approved training courses at these Cessna Learning Centers meet the requirements that a training syllabus must have a description of the checks and tests used to measure a student's accomplishments for each stage of training? I would say yes these training courses have a description of the checks and tests used to measure a student's accomplishments for each phase of training. The training course is designed in such a way that the students' personal computer keeps track of the time spent completing the lesson and makes the student pass a quiz at the end of each "lab" session/lesson. And the pilot school is able to see the results of the training, how much time the student spent completing the lesson, and how many tries it took the student to answer the questions correctly when the student returns the CD-ROM. So yes, the training course has a description of the checks and tests used to measure a student's accomplishments for each phase of the training course.

Granted, as you noted, there are ways that a student may be able "skew" the results of the training. But even with the stand-up platform instructor method that isn't a fail-safe way of training either. We know and have heard of all kinds of ways that students and pilot schools have been able to "skew" the results of the training using the stand-up platform instructor method. It may be a concern, but I don't believe it is a real concern. So, the answer is there is no regulatory requirement that requires a training course have immediate student-instructor interaction during the time the student is completing a Part 141-approved self study training course.

The way I see it the only difference between the training courses at these Cessna Learning Centers and the stand-up platform instructor method is that the Cessna training course uses a self-study CD-ROM and/or video tape method to providing the training. The training syllabus on the CD-ROM contains a description of each lesson, including its

objectives and standards. The training syllabus on the CD-ROM provides for a measurable unit of student accomplishment and learning that can be derived from the training course. The training syllabus on the CD-ROM includes phases of training and completion standards. The training syllabus on the CD-ROM have established performance standards in the course, stages, and lesson objectives. The training syllabus on the CD-ROM has objectives that describe what the students are expected to know or be able to do at the end of the training course, stage, or lesson. The objectives stated on the CD-ROM have established desired student learning outcomes. The course objectives on the CD-ROM have established knowledge and skill goals to be reached by the student at the end of the course. The objectives stated for each phase of the training course on the CD-ROM have desired student outcomes for each lesson.

The way the students use these CD-ROMs may be considered a form of self-study, but there is built-in supervision by the pilot school that is designed in these CD-ROM administered training courses. Yes, the only instructor providing the training is on the CD-ROM or video tape, but the student's personal flight instructor does review the student's learning. The CD-ROM is the tool that provides the ground training and the training is self-study, but there are tests and completion standards designed into the CD-ROM at each phase of the training course. The CD-ROM does allow for monitoring of the student's learning by that student's own personal instructor and the pilot school. The CD-ROMs provide for a student to be mentored by his personal instructor and the pilot school. And there are phases, phase checks, and end-of-course test designed into the CD-ROM. The CD-ROM is designed to record the student's ground training time which can be downloaded by the pilot school into the student's training records. I believe these ground training courses at these Cessna Learning Center meet the requirements of § 141.55(c)(7)(iv) and (v) and FAA Order 8700.1, Vol. 2, Chapter 142.

{Q&A-610}

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QUESTION: Per § 61.55(e)(2)(ii), it states that a pilot school may request and receive final approval for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the school has “. . . (ii) At least 80 percent of those students passed the practical or knowledge test, or any combination thereof, on the first attempt, and that test was given by . . .” The confusing language in this rule is “. . . or any combination thereof . . .” Does this mean that a pilot school could receive final approval for the flight portion of one of its training courses by showing that at least 80% of its students passed the appropriate aeronautical knowledge test? Or vice versa, does this mean that a pilot school could receive final approval for the ground portion of one of its training courses by showing that at least 80% of its students passed the appropriate flight test?

ANSWER: Ref. § 141.55(e)(2)(ii); No, a pilot school may not receive final approval for the flight portion of one of its training courses by showing that at least 80% of its students passed the appropriate aeronautical knowledge test. For a pilot school to receive final approval for the flight portion of one of its training courses it would have to show at least 80% of its students passed the appropriate practical test. And vice versa, for a pilot school to receive final approval for the ground portion of one of its training courses it would have to show at least 80% of its students passed the appropriate aeronautical knowledge test.

The phrase “. . . or any combination thereof . . .” in § 141.55(e)(2)(ii) is a mistake. It should have been written “as appropriate.” When and if the FAA ever revises Part 141 again, this mistake has been noted and we intend to change that phrase “. . . or any combination thereof . . .” to read “. . . as appropriate . . .”

{Q&A-580}

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QUESTION: Is this permissible for an airplane owned by a student to be used in a Part 141 approved course by that student and his instructor? The school does not use that make and model of airplane in its approved TCO. It uses a different make and model of aircraft. If it is permissible, must the chief instructor and all the flight instructor(s) assigned to that course have to accomplish initial proficiency checks in that make and model of aircraft? As an example, the aircraft owned by a student is a Cessna 182 and he wants to receive his instrument training in this school's Part 141 Instrument – Airplane Single Engine Land training course. The school's aircraft that are assigned to this particular Part141 training course is a Piper PA-28-181.

ANSWER: Ref. § 141.55(b)(5) and § 141.79(d)(1)(ii); Yes, a student's airplane may be used in a Part 141 approved course. However, the approved Part 141 training course will have to be amended to include a description of that make and model of aircraft [See § 141.55(b)(5)].

The chief instructor would not need a initial proficiency check in the make and model of aircraft unless that chief instructor actively participates as a flight instructor in giving flight training to students in that training course in that specific make and model of aircraft [*i.e.*, Cessna 182]. Meaning, the chief instructor gives training to students and/or endorses students in that training course for applying for practical tests in that make and model of aircraft [*i.e.*, Cessna 182].

There is no guidance in FAA Order 8700.1, Chapters 141-147 on how many of the assigned flight instructors to a particular training course would be required to accomplish an initial proficiency check in the student's aircraft [*i.e.*, Cessna 182]. However, being reasonable here, certainly the student's primary and backup flight instructors would be required to accomplish an initial proficiency check in the student's aircraft [*i.e.*, Cessna 182]. And then before any other flight instructor in the training course could give training to that student in that aircraft, they too would be required to accomplish an initial proficiency check in the student's aircraft [*i.e.*, Cessna 182]. But to be more specific in my guidance, lets say there is 1 chief instructor and 6 flight instructors assigned to this particular training course. And only one flight instructor is assigned and gives training to the student in the student's aircraft [*i.e.*, Cessna 182]. Then my answer would be that only that one primary flight instructor would be required to accomplish an initial proficiency check in the student's aircraft [*i.e.*, Cessna 182].

{Q&A-575}

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QUESTION: I am assigned as a POI for a Part 141 pilot school that has an approved Flight Instructor – Airplane Single Engine Course. As per Part 141, appendix F, paragraph 4.(c)(1)(xi), it requires the course contain flight training on slow flight, stalls, and spins. The school has requested that it be permitted to contract to the other school and that other school's instructors to perform the spin training. The school has also requested that it be permitted to contract to the other school for use of that other school's single engine airplane that is approved for performing spin training. What revision to the pilot school's approved course must be done and what procedures must be followed to permit the school to contract the spin training to the that other school?

ANSWER: Ref. § 141.55(c)(5) and § 141.79(d); First, the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training must revise their approved course to include the description of the type of aircraft including any special equipment used for the spin phase of the training. [See § 141.55(c)(5)]

Secondly, the chief instructor or assistant chief instructor or check instructor from the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training must administer initial and recurrent checks to those flight instructors from that other school who will be providing the spin training. [See § 141.79(d)(1) and (2)].

Or, if this is a possibility, the other choice would be for the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training to just use their own flight instructors and contract for use of the other school's airplane. Then, the school would only need to revise their approved course to include the description of the type of aircraft including any special equipment used for the spin phase of the training.

{Q&A-561}

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QUESTION: What is meant by the word “originate” in § 141.55(c)(4)? Should all airports authorized to be used for cross country flights be listed in the TCO?

ANSWER: Ref. § 141.55(c)(4); No, the phrase “A listing of the airports at which training flights originate . . . .” does not require that all airports authorized to be used for cross country flights be listed in the TCO. Only those airports at which training flights originate are required to be listed. The rule was never intended to mean all airports authorized to be used for cross country flights be listed in the TCO be listed. That would be too restrictive and unnecessarily burdensome.

As for an example, if a pilot school has a satellite base, the satellite base's airport would be an airport “. . . at which training flights originate . . . .”

Another example, a pilot school's approved training course may establish an airport away from the main base of operate to originate cross country flights, so in that case that airport would be an airport "... at which training flights originate . . . ."

However, in a case where all cross country flights originate from the pilot school's main base of operations, that airport would be the only airport "... at which training flights originate . . . ."  
{Q&A-556}

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**QUESTION:** Could you expound upon the phrase of "... examiner who is not an employee of the school . . ." as you have answered in previous questions? (One student is convinced that the same concept applies to reduced time courses AFTER final approval is received.)

**ANSWER:** Ref. § 141.55(e)(2)(ii)(B); Once the pilot school has received final approval for being authorized to conduct training courses under Part 141 without specifying the minimum ground and flight training time requirements of this part, that pilot school may utilize pilot examiners who are affiliated with the pilot school, employees with the pilot school, under contract with the pilot school, the school's own examiners, etc.

As far expounding on the intent of the phrase "... examiner who is not an employee of the school . . .", I've already answered the intent of that phrase in Q&A-123 and Q&A-336.  
{Q&A-556}

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**QUESTION:** Recently, a Part 141 school has drawn our attention in their efforts to "double count" instrument time given in one course towards the training requirements of another course. This question concerns students who are simultaneously enrolled in the school's Part 141 approved Instrument – Airplane Rating Course and its Commercial Pilot Certification - ASEL Course. The school wants to "double-count" 5 hours of the required 35 hours of the Instrument – Airplane Rating Course in a Piper Arrow and then, after the student graduates from the Instrument – Airplane Rating Course, count that 5 hours again towards the 10 hours of complex aircraft training in the Commercial Pilot Certification - ASEL Course. Presumably, this would reduce the number of dual flight training hours performed in the Commercial Pilot Certification - ASEL Course, because they would "double count" the flight training time by doing both instrument training and complex airplane training at the same time. Is this appropriate in accordance with Part 141?

**ANSWER:** Ref. § 141.55(a); A course cannot be approved that "double-counts" training time in one course's syllabus and have that time apply to another course's syllabus. Per § 141.55(a), "Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of this part."  
{Q&A-496}

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**QUESTION:** Situation is a person completes a Part 141 Instrument – Airplane rating course. Now that person enrolls in a Part 141 Commercial Pilot – Airplane Certification Course that is approved for both the ASEL and AMEL ratings. The person completes the minimum course times of 35 hours of ground training and 120 hours of flight training shown in the Part 141 approved Commercial Pilot – Airplane Certification Course syllabus. By completing the minimum course times (i.e., 35 hours of ground training and 120 hours of flight training), can a person earn a Commercial Pilot Certificate with an ASEL and AMEL category and class ratings by merely completing the minimum course times of 35 hours of ground training and 120 hours of flight training?

Theoretically the student completes the Private Pilot Certification Course for the Airplane Single Engine Land rating first. Then, the student completes the Instrument – Airplane rating course in a single engine land airplane. And then the student completes the Commercial Pilot – Airplane Certification Course for both the ASEL and AMEL ratings. This student completes the minimum training time of 35 hours of ground training and 120 hours of flight training for the Commercial Pilot – Airplane Certification Course and graduates with 190 hours of total time. In accordance with the syllabus I sent you, the last stage of the Commercial Pilot – Airplane Certification Course includes training for the AMEL rating, which is embedded in the 35 hours of ground training and 120 hours of flight training of the Commercial Pilot – Airplane Certification Course.

We had originally discussed this option with you back in 1998 when we wrote the syllabus. I have had one operator question whether a student could enroll in the Airplane Multiengine Land rating course Option before he earns his

commercial pilot certificate. Our intention with this Commercial Pilot – Airplane Certification Course syllabus was to permit a good student to graduate and apply for a Commercial Pilot Certificate with both the ASEL and AMEL rating and do it with having logged 190 hours of total time.

Assumptions for this question: The person holds a Private Pilot Certificate with an ASEL category and class rating when he enrolls in the school's approved Part 141 Instrument – Airplane rating course. We will assume the student has logged a total time of 35 hours of training (dual and solo time) in the Private Pilot Certification Course and times comply with the training time (solo and dual) requirements of the approved Private Pilot Certification Course, in accordance with Appendix B. We can also assume the student completed the school's approved Part 141 Instrument – Airplane rating course in the required minimum course time and he received no credit for any previous training. We will assume the student has logged 35 hours of training in the Instrument – Airplane Course, and the training times conform to the training time requirements of the Instrument – Airplane rating course, in accordance with Appendix C of Part 141. So when the student begins the school's approved Part 141 Commercial Pilot – Airplane Certification Course, the student has logged right at 70 hours of total time, and the breakdown of the training time complies with the training time (solo and dual) requirements of the approved Private Pilot Certification Course and the Instrument – Airplane rating course, in accordance with Appendixes B and C of Part 141.

Can this commercial pilot applicant apply for both the ASEL and AMEL ratings upon completion of the school's approved Part 141 Commercial Pilot – Airplane Certification Course that includes both training for the ASEL and AMEL rating when the student has only 190 hours of total time?

**ANSWER:** Ref. § 141.55(a); Yes, an applicant who completes an approved Part 141 Commercial Pilot – Airplane Certification Course that includes training in it for both the ASEL and AMEL ratings and has only 190 hours of total time may apply for the ASEL and AMEL ratings at the commercial pilot certification level.  
{Q&A-495}

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**QUESTION:** There is a Part 141 school that is authorized to conduct a combined flight training course involving Private Pilot Certification – Airplane Single Engine Land and an Instrument – Airplane Rating (meaning a combined Appendix B and C of Part 141 course). They use the Jeppesen curriculum and typically enroll students for continuous training that ultimately leads to Commercial Pilot Certification. They have been informed they cannot credit the 3 hours of instrument training required in the Private Pilot Certification – Airplane Single Engine Land course (Appendix B of Part 141) toward the 35 hours of instrument training required for the Instrument – Airplane Rating portion of the course (Appendix C of Part 141). They do not want to submit a request for reduced hours under Part 141 because they would lose their self-examining authority for those courses.

But what they want to do is enroll a student in their Private Pilot Certification – Airplane Single Engine Land portion of their course, have the student go to an CFII for the purpose of receiving 3 hours of instrument training and then “double count” it for the instrument training required in the Instrument – Airplane Rating portion of the course. Otherwise, the school wants to take the 3 hours of instrument training received in the Private Pilot Certification – Airplane Single Engine Land portion of the course and also count it toward the 35 hour requirement for the Instrument – Airplane Rating portion of the course. Plus they want to keep their self-examining authority for their Private Pilot Certification – Airplane Single Engine Land and an Instrument – Airplane Rating course.

Is this legal?

**ANSWER:** Ref. § 141.55(b); The answer is no, they cannot “double credit” the hours. As per § 141.55(b), “. . . each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.” A FSDO may not approve a course where the training courses seek to “double count” the time.

If they want to apply for a “reduced time” training course to account for this scenario they're requesting then they must comply with § 141.55(d). But it will cost them their self-examining authority for that course.  
{Q&A-474}

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**QUESTION:** May a school submit a training syllabus without specifying the minimum ground and flight training time for a reduced time training course under the provisions of § 141.55(d) or (e).

**ANSWER:** Ref. § 141.55(c)(7)(ii); The answer is no, as per § 141.55(c)(7)(ii), all training syllabi must show a detailed description of each lesson, including the lesson's objectives, standards, and planned time for completion [emphasis added: "planned time for completion"].

I realize in § 141.55(d) and (e) it states “. . . without specifying the minimum ground and flight training time requirements of this part . . .” But all that phrase means is that a school may submit a training syllabus for initial or final approval whose course times do not meet the minimum ground and flight training time requirements of Part 141. But in no way does it allow for a school to submit a training syllabus for initial or final approval without showing planned times for completion.

{Q&A-457}

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**QUESTION:** In the context of the reduced time for a course [§ 141.55 (d) and(e)] and your previous position (that I believe is correct) that for a student to be a “counter” to count toward final approval, the reduced time in the course cannot be exceeded. The student that exceeded the reduced time can graduate from the course but cannot be a “counter” for final approval. FAA Order 8700.1, chapter 142 states courses don't have maximum times.

**ANSWER:** Ref. § 141.55(e)(2)(i) and (ii) and § 141.77(a)(1); A student who does not accomplish the approved course within the course's allotted time cannot be used as a “counter” for the final approval process for a course of training submitted with less hours than that required by the appropriate appendix. As you say, the student may still graduate by accomplishing the additional hours of training, but he/she cannot be counted as a “counter” for final course approval.

{Q&A-401}

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**QUESTION:** As a follow-on to Question 1 above, can the owner of the school, who also happens to be a pilot examiner, be allowed to conduct some or all of the practical tests during the initial approval process for the reduced course?

**ANSWER:** Ref. § 141.55(d)(4)(ii); The answer is no. THE ANSWER IS STILL NO, even though I know the person is arguing that as an owner, he is not technically an employee. The intent of § 141.55(d)(4)(ii) is to prohibit the use of an examiner that has ANY association, affiliation, employment, indirect or direct relationship, involvement, etc., etc. As per § 141.55(d)(4)(ii), it states “An examiner who is not an employee of the school.” In issuing § 141.55(d)(4)(ii), the FAA specifically wanted to make sure that the “check and balance” system remained in effect. To do otherwise, would be like the ole saying “allowing the fox to guard the hen house.” No, this owner/examiner cannot perform any of the practical tests.

{Q&A-336}

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**QUESTION:** In the past, when syllabi were approved, a certain amount of hours were allotted for each phase. It has been accepted practice through the years for a FSDO to accept a Jeppesen course at face value by stamping just the cover page. In 1997, Jeppesen issued their new courses with a statement that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate. It may be possible, then, for a student to fly all the lessons, exceed the requirements of App B, yet not meet the hours listed in the tables.

We want to know if this blanket statement (i.e., “. . . that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate”) has been “approved” by AFS-800 in Washington?

**ANSWER:** Ref. § 141.55(b) and (c)(7)(ii); Yes, it is permissible to submit a training course outline that has a statement “. . . that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate . . .”

However, don't misunderstand that statement to mean that an applicant can graduate from an approved course of training without meeting the approved course “total time” requirements [§ 141.77(a)(1)]. For example, if a specific lesson (e.g., Lesson No. 12) calls for 1.5 hours for that given lesson, but the student's training record shows only 1.2 hours flown for Lesson No. 12. That is permissible.

The rule [i.e., § 141.55(b)] does not require each individual lesson time has to be met. The rule only requires the “total time” course requirements be met [§ 141.77(a)(1)]. So, if the course's total time calls for 35 hours, then that

student's training record better show at least 35 hours in order for that student to be considered to have graduated from the course.  
{Q&A-229}

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**QUESTION:** What is meant by the phrase “. . . or any combination thereof . . .” that is contained in § 141.55(e)(2)(ii)?

**ANSWER:** Ref. 141.55(e)(2)(ii); The way the subparagraph (ii) of § 141.55(e)(2) is structured and specifically the phrase “. . . or any combination thereof . . .” it is intended to go along with the phrase “. . . at least 10 students in that training course . . .” that is contained in subparagraph (i) of § 141.55(e)(2). Otherwise, the rule requires 10 actions in EACH training course for which approval is sought. For example, if a school is applying for a reduced Private Pilot-Airplane Single Engine Land flight training course then the school would have to prove their course by having 10 student completions in THAT course. And if the school is applying for a reduced Private Pilot-Airplane ground training course then the school would have to prove their course by also having 10 student completions in THAT course.

In answer to your other question, it is NOT acceptable [nor was it ever the intent of § 141.55(e)] for a school to apply for 10 reduced training courses [i.e., Recreational Pilot-Airplane ground training course; Recreational Pilot-ASEL flight training course; Private Pilot-Airplane ground training course; Private Pilot-ASEL flight training course; Instrument Rating-Airplane ground training; Instrument Rating-Airplane flight training course; Commercial Pilot-Airplane ground training course; Commercial Pilot-ASEL flight training course; Add-on AMEL rating flight training course at the Commercial Pilot level; and an add-on helicopter rating flight training course at the Commercial Pilot level, etc.] and then just have one applicant evaluated for all those courses. Just like it says in subparagraph (i) of § 141.55(e)(2) “. . . at least 10 students in that training course . . .” The school must have 10 students in each training course that it seeks approval.

And in answer to your other specific question on this issue, no it is NOT acceptable [nor was it ever the intent of § 141.55(e)] for a school to submit a Professional Pilot Course that encompasses all the courses that were previously mentioned in the preceding paragraph, and then have the applicant only take just one practical test for all the courses. No, it's not acceptable!  
{Q&A-202}

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**QUESTION:** School ABC has presented new TCO's which contain syllabi that state the breakdown of the training time the student receives. The Private Pilot Airplane Flight Training Syllabus, for example, shows the total flight training of 35 hours, which includes total dual of 20 hours, cross country instruction of 3 hours, night instruction of 3 hours, instrument instruction of 3 hours, instruction in preparation for the practical test of 3 hours, and total directed solo flight training of 5 hours. Will this suffice, or must each lesson specifically show the “planned time for completion” as required by § 141.55(c)(7)(ii)?

**ANSWER:** Ref. § 141.55(c)(7)(ii); No, it is not appropriate just to list the total times. The syllabus should show the planned times for each lesson which when added up should equal up to the total times for the syllabus.

Furthermore, in reality a pilot applicant may go over in time in some lessons and may go short in some lessons, but upon completion of the course the individual times should equal the total times. The reason I say this is because I've received some questions recently where I was asked whether it was a violation of § 141.77(a)(1) for a school to graduate a pilot applicant who was 6 minutes short in lesson No. 6 and 8, but the applicant went over 12 minutes in lesson 12. Otherwise, the total time still equaled out in the end to the required total time, but the individual lesson times were slightly off. So yes, it is okay for that to have occurred.

{Q&A-195}

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**QUESTION:** Once a pilot school receives final approval of a training course, can the school use examiners that may also be employees of the school?

**ANSWER:** Ref. § 141.55(e); Yes, the school can then use its own examiners after it receives final approval of its training course.

{Q&A-136}

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**QUESTION:** May I receive examining authority for a course of training that allows a student to graduate the course, having met the 141 minimum flight training requirements, without meeting the ground and flight times recommended in the approved course of training. The intent is to write a TCO that complies with 141.63(b)(4), ensuring the student meets the time requirements of 141) but allow the student complete with less than the times in the TCO; I'd like to write a TCO for the average student, that allows students who learn faster, but meet the minimum 141 requirements to graduate, without meeting the times in the TCO. We would meet 141.77 (b) “.all of the curriculum requirements.” by stating in the TCO the student MUST at least meet the 141 minimums.

**ANSWER:** Ref. §§ 141.77(a)(1) and 141.55(d) or (e); The answer is no. But I wonder why you say “. . . have met the 141 minimum flight training requirements . . .” and then turn around and say “. . . without meeting the ground and flight times recommended in the approved course of training.” In fact, even if a school has a course approved in accordance with § 141.55, the school still must comply with § 141.77(a)(1).

Either way the answer is no.  
{Q&A-130}

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**QUESTION:** A Designated Pilot Examiner (DPE) claims he does not meet the legal definition of employee with respect to a Part 141 Flight School, but is only a contractor, and should, therefore, be able to administer tests to the school's students as a DPE.

The cover memo from the FSDO says this DPE has been associated with the school for several years, holding such positions as Chief Flight Instructor, Airman Certification Representative (ACR), and is now an Assistant Chief Flight Instructor. He has been responsible for hiring and firing employees, writing Training Course Outlines, developing safety procedures, operating procedures and policies for the school. He now teaches ground school, conducts some flight training in both aircraft and flight training devices, and gives stage tests.

Could this DPE have been considered a “contractor” and now be eligible to administer tests to the school's students as a DPE?

**ANSWER:** Ref. § 141.55(d)(4)(ii) and (e)(2)(ii)(B)The answer is no, that examiner may not be used. Per § 141.55(d)(4)(ii) and (e)(2)(ii)(B) which states, in pertinent part, [i.e., “. . . who is not an employee of the school]. Your question, in effect, is trying to say the word “. . . employee of the school” is different than a person who is a “contractor” with the school. Again, the answer is that examiner cannot be used to conduct practical tests under § 141.55(d) and (e).

Our intent in drafting this rule was to imply a very broad interpretation on the word “employee.” In effect, the intent of the word “employee” is synonymous with “cannot be associated with the school in any form or manner,” “completely independent of the school,” “completely unaffiliated with the school,” etc. Otherwise, the examiner must be completely unaffiliated with the school. We want the test to be done by an examiner who can show the same independence from the school as an FAA Inspector. We want the test to be done by an examiner who is completely and entirely impartial and unbiased.

{Q&A-123}

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**QUESTION:** In a Part 141 course that has been approved with “planned ground and flight training” as per § 141.55(d) and (e), can the school when it believes the student can meet the standards and can pass the practical test, can the student be permitted to take the practical test without first having accomplished all of the course’s “planned ground and flight training” and take the test with one of the school’s examiners?

**ANSWER:** Ref. §§ 141.55(d)(3), (4)(ii), (e)(3) and (4) and § 141.95 (a); No  
{Q&A-4}

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**QUESTION:** Is it legal if I submit a combined course that called for 55 hours for the private pilot phase, 45 hours for the instrument phase, and but only 90 hours for the commercial phase?

**ANSWER:** Ref. § 141.55(d) and (e); Yes  
{Q&A-31}

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**QUESTION:** Follow on previous question, does that mean I can't ever get examining approval for my combined course.

**ANSWER:** Ref. § 141.55(d) and (e); That is correct, you cannot get examining approval for the course. And the reason this rule was established was because if we the FAA allow you to submit a course with less than the required hour requirements of Appendix D, we certainly aren't going to let you control the testing standards also. It is a check and balance system by not allowing the company to control both the training and testing standards.  
{Q&A-31}

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## § 141.57 Special curricula

**QUESTION:** The scenario is a school wants to apply for a combined Part 141 Private Pilot-Airplane Single Engine Land, Instrument-Airplane, and a Commercial Pilot-Airplane Single Engine Land course. Otherwise, the school wants to combine the requirements of Part 141, Appendix B, Appendix C, and Appendix D into one combined syllabus. The school does not want to issue a Private Pilot Certificate to their students. The schools wants only to issue their students a Commercial Pilot Certificate and Instrument Airplane rating after they complete the entire syllabus. Is this permissible? How are flight checks handled since Part 61 no longer allows combined private/commercial checks as old Part 61 did?

**ANSWER:** Ref. § 141.57; This question is similar to a previously asked question (Q&A 246). The answer is no, a school may not be approved for a combined Part 141 Private Pilot-Airplane Single Engine Land, Instrument-Airplane, and a Commercial Pilot-Airplane Single Engine Land course where it does not require its students to undergo a Private Pilot Certification practical test.

As per § 141.57, a school may only “. . . apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the appendixes of this part . . .” For the FAA to approve a special course of airman training, the training course must show that it “. . . contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.” Not having a student accomplish a Private Pilot Certification practical test would be contrary to § 141.57 which requires a special course to have “. . . features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.”

Now don't read anything into this answer. I am not saying that a school can't submit a combined Part 141 Private Pilot-Airplane Single Engine Land, Instrument-Airplane, and a Commercial Pilot-Airplane Single Engine Land course and have it approved. The rules allow it and there are several schools that hold such approval. It just requires that the combined course meet the provisions of Part 141, Appendix B for the private pilot certification phase, Part 141, Appendix C for the instrument rating phase, and Part 141, Appendix D for the commercial pilot certification phase. Meaning, the students are required to accomplish the practical tests.

In a combined Part 141 Private Pilot-Airplane Single Engine Land, Instrument-Airplane, and a Commercial Pilot-Airplane Single Engine Land course, the course must make provisions for accomplishment of 3 practical tests, meaning a Private Pilot-Airplane Single Engine Land practical test, an Instrument-Airplane practical test, and a Commercial Pilot-Airplane Single Engine Land practical test.

{Q&A-477}

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**QUESTION:** Situation, a Part 141 school wants a pilot course of training titled the “Professional Pilot Course” that incorporates the Private Pilot - Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane), and Commercial Pilot - Airplane Single Engine Land rating all into one complete course. He wants the course approved under § 141.57, but in addition he wants the course approved under the reduced times, as per § 141.55(d). The school has submitted the course for a reduced time of 170 hours. This is 20 hours fewer than 190 hours which is the total hour requirements of adding Appendix B, C, and D. Can we approve a course under § 141.57 and still afford the school the reduced hour provisions of § 141.55(d)?

**ANSWER:** Ref. § 141.55(d)(3) and § 141.57; No, it is not permissible to approve an overall reduced course time (i.e., “Professional Pilot Course”). However, the school may apply individually for a reduced course time. Which

means, the school can apply for a reduction of the times for the Private Pilot Certification - Airplane Single Engine Land rating phase, the Instrument - Airplane Rating phase, and the Commercial Pilot Certification - Airplane Single Engine Land rating phase. But again, each phase has to be applied for on an individual phase basis.  
{Q&A-336}

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**QUESTION:** Explain what “. . . a special course of airman training for which a curriculum is not prescribed in the appendixes of this part . . .” means in § 141.57. Does it permit a school make application for a course of training for a Private Pilot Certification Course for an Airplane Single Engine Land rating that differs from a Private Pilot Certification Course for an Airplane Single Engine Land rating of Appendix B?

**ANSWER:** Ref. § 141.57; Since you have not qualified your answer, I'm going to say the answer is no. But please read this answer thoroughly, because there are many, many situations where the answer would be yes.

The rule doesn't permit a school to make application for a course of training for a Private Pilot Certification Course for an Airplane Single Engine Land rating, because as it states in § 141.57, “. . . for which a curriculum is not prescribed in the appendixes of this part . . .” However, if a school wants to make application for approval for a Private Pilot Certification Course that varies in course times from the Appendix B of Part 141 requirements, then § 141.55(d) and (e) provides for “a pilot school may request and receive [initial/final] approval . . . for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following provisions are met:”

Now for some thoughts that may fit the provisions of “§ 141.57 Special curricula:”

Currently today, Embry Riddle Aeronautical University has approval for two courses of training for a combined Private Pilot Certification Course for an ASEL rating with an Instrument-Airplane rating for the Advanced General Aviation Transport Experiment (AGATE) airplane. ERAU made application for approval for those courses under § 141.57. In those courses, the student receives both Private Pilot-ASEL training and Instrument-Airplane training concurrently. These training courses involve time in a single engine airplane, in a flight training device, and in a personal computer advanced training device (PCATD). Just like it states in § 141.57, “. . . a special course of airman training . . .”

Furthermore, it is acceptable for a Part 141 school to make application under § 141.57 for “. . . a special course of airman training . . .” for the different pilot certificate levels (Recreational Pilot through ATP or even Flight Instructor) where the school's course of training is for Flight Training Only. Otherwise the school's course of training is not approved for ground training. However, the enrollment prerequisites would require satisfactory completion of the appropriate knowledge test(s). We have provided in Appendix L of Part 141, the provisions for a Pilot Ground School Course but the provision for a “Flight Only Course” for one of the Part 141 pilot certification courses would be applied for under § 141.57.

The provision of § 141.55 (b) states that “each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.” The stated exception is paragraph (d) and (e) of § 141.55 that permits approval for reduced course times. The fact that we have Appendix L of Part 141 provides for a course that is not in full compliance with § 141.55 (b) [i.e., Ground Training Only]. In considering the above, I must emphasize the content of § 141.77 (a)(1), which states in pertinent part, “. . . Completed the training specified in the school's course of training . . .” Section 141.77(a)(1) doesn't permit a student to receive a graduation certificate for just completing the flight portion of a course that has been approved for both ground and flight training. Section 141.77(a)(1) requires that the student complete the entire course, which means completion of both the course's ground and flight training. With this in mind, the use of “§ 141.57 Special curricula” for making application for a “Flight Training Only” course would be appropriate. The content of 141.57 directs the user to use the appropriate appendix of Part 141 to determine the pilot proficiency level. For example, if a Part 141 Pilot School wants approval for a course of training for a “Private Pilot Certification Course - Airplane Single Engine Land Rating (Flight Training Only)” to be taken in concert with a (local) University's ground school course [i.e., “Private Pilot Certification Course - Airplane Single Engine Land Rating, Ground Training Only”], the content of the “Private Pilot Certification Course - Airplane Single Engine Land Rating (Flight Training Only)” portion of the course would come directly from Appendix B, but would exclude the training of paragraph 3 of Part 141, Appendix B, that requires the aeronautical knowledge training.

Another use of “§ 141.57 Special curricula” is the authority for a Part 141 to make application for “. . . a special course of airman training . . .” that has similar objectives of the now defunct, “Test Preparation Courses” (i.e., the old Appendixes B and E of Part 141).

As I've said when answering many of the questions on Part 141:

*I realize for all of us the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school's success and the course's success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time. In approving training courses, the new Part 141 has reduced the need for a lengthy review process.*

{Q&A-246}

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**QUESTION:** I have a situation where a school is requesting Part 141 approval to teach only the aeronautical knowledge areas (i.e., ground training only) for a Private Pilot Certification Course-Airplane Single Engine Land. The school only intends to teach the ground training for a Private Pilot Certification Course-Airplane, so as to prepare the applicant for the knowledge test. The school has no intentions of ever teaching the areas of operation (i.e., Part 141, Appendix B, paragraph 4 and 5) for the Private Pilot Certificate practical test. The school doesn't even own or lease an airplane. The school's facilities are located in a suite of offices on the 10<sup>th</sup> floor of a bank building in downtown Oklahoma City, OK. Is this permissible? If it is permissible, how would you record it on the school's Air Agency Certificate? Or would you only record it on the FAA Form 8420-8 “Application for Pilot School Certificate” on the section of the form titled “Identification of Training Courses?”

**ANSWER:** Ref. § 141.57; Yes, an Air Agency Certificate may be issued to a school that only teaches the aeronautical knowledge areas (i.e., ground training only) under § 141.57. On the school's Air Agency Certificate, you would list approximately 2/3 of the way down on the certificate under the verbiage “with the following ratings:”

Private Pilot Certificate - Airplane Single Engine Land (Ground Training Only)

**NOTE:** In this situation where the school is only seeking Part 141 approval for the ground training portion for the Private Pilot Certification Course-Airplane TCO, the flight training does not necessarily need to be conducted under Part 141. It may be conducted under Part 61. There are no rules in Part 141 or policy directives in FAA Order 8700.1 that require the flight training to taught under Part 141.

Now it could be argued that under § 141.55(a) and (b) it requires a school to be approved for both ground and flight training. Because in § 141.55(a) and (b), it states:

- (a) Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of this part.
- (b) Except as provided in paragraphs (d) and (e) of this section, each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.

So I can understand where it could be argued that a school cannot just apply for the ground training only. However, in accordance with § 141.57 (which is why this rule was designed and it was designed for this very kind of situation), it states:

An applicant for a pilot school certificate or provisional pilot school certificate may apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the appendixes of this part, if the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.

Therefore, the answer is yes it's permissible for an Air Agency Certificate to be issued to a school that only teaches the aeronautical knowledge areas (i.e., ground training only) under § 141.57.

{Q&A-224}

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**QUESTION:** I have a situation where a school is requesting Part 141 approval to only teach the areas of operation (i.e., flight training only) for a Private Pilot Certification Course-Airplane Single Engine Land. The school only intends to teach the flight training, so as to prepare the applicant for the practical test. The school has no intentions of ever teaching the aeronautical knowledge areas (i.e., Part 141, Appendix B, paragraph 3) for the Private Pilot Certificate knowledge test. Is this permissible? If it is permissible, how would you record it on the school's Air Agency Certificate? Or would you only record it on the FAA Form 8420-8 "Application for Pilot School Certificate" on the section of the form titled "Identification of Training Courses?"

**ANSWER:** Ref. § 141.57; Yes, an Air Agency Certificate may be issued to a school that only teaches the areas of operation (i.e., flight training only) under § 141.57. On the school's Air Agency Certificate, you would list approximately 2/3 of the way down on the certificate under the verbiage "with the following ratings:"

Private Pilot Certificate - Airplane Single Engine Land (Flight Training Only)

However in this situation, in accordance with § 141.55(c)(7)(i) as a prerequisite for enrollment, the school must state in their training syllabus (as an example):

"a. To enroll in ABC Aviation School's flight training curriculum, the student must be concurrently enrolled in a ground training curriculum on the aeronautical knowledge areas for the Private Pilot Certificate - Airplane knowledge test and have satisfactorily accomplished the Private Pilot Certificate - Airplane knowledge test prior to completion of the flight training of the Private Pilot Certification Course-Airplane Single Engine Land. The knowledge test results must be current within the 24-calendar month period preceding the month the applicant completes the practical test;" or

"b. Prior to completion of ABC Aviation School's flight training curriculum, the student must have satisfactorily completed the Private Pilot Certificate - Airplane knowledge test, and the knowledge test results must be current within the 24-calendar month period preceding the month the applicant completes the practical test"

Again as previously discussed in Answer 1 above, it could be argued that under § 141.55(a) and (b), it requires a school to be approved for both ground and flight training. Because in § 141.55(a) and (b), it states:

(a) Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of this part.

(b) Except as provided in paragraphs (d) and (e) of this section, each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.

So I can understand where some of you would argue that a school cannot just apply for flight training only. However, in accordance with § 141.57 (which is why this rule was designed and it was designed for this very kind of situation), it states:

An applicant for a pilot school certificate or provisional pilot school certificate may apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the appendixes of this part, if the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.

Therefore, the answer is yes it's permissible for an Air Agency Certificate to be issued to a school that only teaches the areas of operation (i.e., flight training only) under § 141.57.

**NOTE:** In this situation where the school is only seeking Part 141 approval for the flight training portion for the Private Pilot Certification Course-Airplane Single Engine Land TCO, the ground training does not necessarily need to be conducted under Part 141. It may be conducted under Part 61. There are no rules in Part 141 or policy directives in FAA Order 8700.1 that require the ground training to be taught under Part 141.

{Q&A-224}

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## § 141.63 Examining authority qualification

**QUESTION:** Per § 141.9, it states “An applicant is issued examining authority for its pilot school certificate if the applicant meets the requirements of subpart D of this part.” Isn’t examining authority issued for a specific training course and not to the pilot school certificate?

**ANSWER:** Ref. § 141.63(a)(4) and FAA Order 8700.1, Vol. 2, Chapter 146, page 146-1, paragraph 5.A. To be technically correct, examining authority is issued for a specific training course. The language “. . . is issued examining authority for its pilot school certificate . . .” of § 141.9 should state “An applicant is issued examining authority for a training course if the pilot school and its training course meets the requirements of subpart D of this part.” This is one of those areas that need further revising when and if AFS-800 is ever allowed to make changes to Part 141 again.

{Q&A-580}

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**QUESTION:** If a school has an approved “Professional Pilot Syllabus,” (meaning where the course incorporates a combined Private Pilot Certification Course-Airplane Single Engine Land rating, Instrument-Airplane rating, a Commercial Pilot Certification Course-Airplane Single Engine Land rating, and an Airplane Multiengine Land add-on rating at the commercial pilot certification level) can the school be granted examining authority for just the Private Pilot-Airplane Single Engine Land portion of the this Professional Pilot Syllabus?

Otherwise, the school would not be granted examining authority for the portions on Instrument-Airplane rating, a Commercial Pilot Certification Course-Airplane Single Engine Land rating, and an Airplane Multiengine Land add-on rating at the commercial pilot certification level of this Professional Pilot Syllabus. Only examining authority would be requested and granted for the Private Pilot-Airplane Single Engine Land rating portion of the Professional Pilot Syllabus.

**ANSWER:** Ref. § 141.63(a); The answer is yes, a school that has an approved “Professional Pilot Syllabus” may apply for examining authority for just the Private Pilot-Airplane Single Engine Land portion of its Professional Pilot Syllabus. However, the school must be able to show that it meets all of the examining authority prerequisite eligibility requirements of § 141.63(a), and especially the course times on its Private Pilot-Airplane Single Engine Land portion of its Professional Pilot Syllabus must meet “. . . the minimum ground and flight training time requirements of this part.” [see § 141.63(a)(4)]

{Q&A-497}

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**QUESTION:** Also the school has had a “stand-alone” Part 141, Appendix B Private Pilot Certification Course for over 2 years. Could this time be used to meet the 24 calendar month requirement of 141.63(a)(3) for the Private Pilot examining authority?

**ANSWER:** Ref. § 141.63(a)(5)(i); The answer is no, it has to be that Private Pilot-Airplane Single Engine Land training course that is the portion of its Professional Pilot Syllabus. The school cannot use its “stand-alone” Part 141, Appendix B Private Pilot Certification Course to receive examining authority for its Private Pilot-Airplane Single Engine Land training course that is part of its Professional Pilot Syllabus. If the school is applying for examining authority for the Private Pilot-Airplane Single Engine Land portion of its Professional Pilot Syllabus, it has to be approved for that training course.

{Q&A-497}

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**QUESTION:** These questions relate to a Professional Pilot Syllabus that was approved under § 141.57 (meaning “Special curricula”) so all the hours and requirements of Appendixes B,C & D are met, except the enrollment prerequisites.

If a school has an approved “Professional Pilot Syllabus” (meaning a combined Private Pilot, Instrument-Airplane, and Commercial Pilot Certification Courses), can the school be granted examining authority for the private pilot practical test only? Otherwise, can a school apply for and be issued examining authority for the private pilot portion

of its "Professional Pilot Syllabus" and not for the Commercial Pilot Certification or for Instrument Rating portion of the approved course?

**ANSWER:** Ref. § 141.63(a); In order for this school to apply for examining authority, the school must meet the prerequisites as stated in § 141.63(a).

If I am reading your question correctly, your question asks whether a school may apply and be granted examining authority for the Private Pilot Certification – Flight Only of a "Professional Pilot Syllabus" (meaning a combined Private Pilot, Instrument-Airplane rating, and Commercial Pilot Certification Courses). Which in effect, would mean you'd be separating out the private pilot certification portion of the school's "Professional Pilot Syllabus" for requesting, and be granted examining authority. If this is what you're asking, then the answer would be a qualified yes it is permissible.

To approve this arrangement for examining authority, the approved curriculum would have to show a distinct separation between the private pilot certification phase of the "Professional Pilot Syllabus" from the other phases of the curriculum (i.e., Instrument Rating and Commercial Pilot Certification). If the approved curriculum has a distinct separation, then yes the school may apply and be granted examining authority for the Private Pilot Certification – Flight Only of a "Professional Pilot Syllabus" once having met those prerequisites stated in § 141.63(a).

{Q&A-477}

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**QUESTION:** A school has had a stand alone Private Pilot Certification course (Appendix B of Part 141) for over 2 years. Could this time be used to meet the 24 calendar month requirement of § 141.63(a)(3) for the examining authority for Private Pilot Certification within the Professional Pilot course? Keep in mind, this Private Pilot syllabus is (NOT) part of the "Professional Pilot Syllabus" (meaning a combined Private Pilot, Instrument-Airplane, and Commercial Pilot Certification Courses but approved IAW 141.57 as above) but is a stand alone course.

**ANSWER:** Ref. § 141.63(a)(5)(i); The answer is no. The results of school's stand-alone Private Pilot Certification Course may not be substituted in place of the Private Pilot Certification of a "Professional Pilot Syllabus" for meeting the examining authority prerequisites.

{Q&A-477}

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**QUESTION:** Ref 141.63(a)(5)(ii) appears to permit use of knowledge test results (90%) to justify approval of practical test (flight) examining authority with the phrase "or any combination thereof".

**ANSWER:** Ref. § 141.63(a)(5)(ii); The phrase in subparagraph (ii) of § 141.63(a)(5) ". . . passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt . . ." was never intended to allow a 90% pass rate on a knowledge test to be carried over to qualify a school for examining authority for the practical test (i.e., flight test). Never was that ever the intent nor should any FSDO allow it!

Granted, I now see where I should have worded the rule more accurately, but NEVER was the intent of subparagraph (ii) in § 141.63(a)(5) to allow a 90% pass rate on a knowledge test to be carried over to qualify a school for examining authority for the practical test (i.e., flight test). And that also goes vice versa, never was the intent of subparagraph (ii) in § 141.63(a)(5) to allow a 90% pass rate on a practical test to be carried over to qualify a school for examining authority for the knowledge test. What the phrase in subparagraph (ii) of § 141.63(a)(5) ". . . passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt . . ." means is if a school can show ". . . 90 percent . . . on the first attempt . . ." on the practical test then the school qualifies for examining authority for the practical test portion of its approved course. And conversely, if the school can show ". . . 90 percent . . . on the first attempt . . ." on the knowledge test then the school qualifies for examining authority for the knowledge test portion of its approved course.

It still amazes how I read over the rules in Parts 61 and 141 today and I read them one way where the language and the intent of those rules were perfectly clear to me at the time I wrote the rule. But yet other people can see the loopholes that I didn't see.

{Q&A-424}

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**QUESTION:** Per § 141.63(a)(2), to receive initial approval for any examining authority a pilot school must simply hold (currently hold) a pilot school certificate. Is there is no requirement to “have held a pilot school certificate” for any specific amount of time?

**ANSWER:** Ref. § 141.63(a)(3); The school must have held the rating “. . . for at least 24 consecutive calendar months preceding the month of application for examining authority.” Otherwise, if a school is applying for examining authority for its Private Pilot Certification Course – Airplane Single Engine Land, the school must have held that rating “. . . for at least 24 consecutive calendar months preceding the month of application for examining authority.”

**QUESTION:** Does a school to obtain initial approval for any examining authority have to hold a pilot school certificate for 24 consecutive calendar months or could it be accomplished while holding a provisional school certificate?

**ANSWER:** Ref. § 141.63(a)(3); The time limit is based on holding the rating [i.e., “. . . must have held the rating in which examining authority is sought for at least 24 consecutive calendar months preceding the month of application for examining authority.”] not holding a pilot school certificate. Only in § 141.63(a)(2), it states “The school must hold a pilot school certificate and rating issued under this part.” Yes, it could be “. . . must hold a pilot school certificate and rating issued under this part . . .” one day, one hour, one minute, or one second. Only the rating must have been held “. . . for at least 24 consecutive calendar months preceding the month of application for examining authority.” And rating means, as for example, Private Pilot Certification Course – Airplane Single Engine Land.  
{Q&A-401}

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**QUESTION:** How long does a Part 141 pilot school (not a provisional school, BUT A PILOT SCHOOL) “. . . must have held the rating in which examining authority is sought . . .” in order to apply for examining authority? Situation is a Part 141 provisional pilot school just completed the renewal process and received their Part 141 pilot school certificate. The pilot school is seeking to receive examining authority for their Private Pilot-Airplane Single Engine Land Certification Course. Can this Part 141 pilot school, which recently completed the requirements for there pilot school certificate, apply for examining authority now or must they wait for an additional 24 calendar months?

**ANSWER:** Ref. § 141.63(a)(2) and (3); Per § 141.63(a)(2), the school must hold a pilot school certificate. To understand this provision one must understand the difference between a school holding a pilot school certificate compared to a school holding a provisional pilot school certificate. There is no requirement to have held the pilot school certificate for 24 calendar months. Per § 141.63(a)(3), it requires the school to have held the rating for 24 consecutive calendar months. Therefore, if a provisional pilot school becomes a holder of a pilot school certificate, has held the RATING for the approved course in which examining authority is sought for at least 24 consecutive calendar months and meets the other requirements of § 141.63, the school’s application and ultimately the FSDO approval of examining authority for an approved course is permissible. In this context, the term RATING, as used in § 141.63(a)(3) is referring to pilot school RATINGS as identified in § 141.11(b)(1), (2), and (3). For example, the provisional pilot school has held the RATING of “Private Pilot Course”, [emphasis added the rating is the “Private Pilot Course”] which is based on the school’s approved Private Pilot - Airplane Single Engine Land Certification Course, or the provisional pilot school holds the RATING of “Commercial Pilot Course,” [emphasis added the rating is the “Commercial Pilot Course”] which is based on the school’s approved Commercial Pilot - Rotorcraft-Helicopter Certification Course. In either case, the school must have held the rating [e.g., “Private Pilot Course,” “Commercial Pilot Course,” etc. as per § 141.11(b)] for at least 24 consecutive calendar months and hold a pilot school certificate for the application for examining authority in either course to be approved.

Lets take it one more step in attempting to clarify this confusing issue. The school described above holds a rating of “Commercial Pilot Course.” This rating was issued based on the FSDO review and approval, during initial certification 24 calendar months back, of their Commercial Pilot - Rotorcraft-Helicopter Certification Course (Refer to FAA Order 8700.1, vol. II, chapter 141, page 141-1 to determine how schools are issued ratings). As stated above, after fully meeting the requirements of § 141.63(a)(1) through (5), including renewal of their pilot school certificate for the “Commercial Pilot Course,” the school could be issued examining authority for the Commercial Pilot - Rotorcraft-Helicopter Certification Course. At the time the school received a “pilot” school certificate, the school submits a new Commercial Pilot - Airplane Single Engine Land Certification Course\_ with a request for

approval of examining authority for this new course. As soon as the FSDO determines that the requirements of § 141.63(a)(5)(i) and (ii) are satisfied, the examining authority for this new course could be approved.

The provision contained in § 141.63 (a)(2) requires a pilot school to hold a pilot school certificate as a prerequisite to the school holding examining authority for any course. There is no provision that permits a provisional pilot school to hold examining authority.

To further discuss the various possibilities and scenarios of your question, consider a pilot school that previously held a pilot school certificate and also held examining authority for one of its ratings [e.g., "Private Pilot Course," "Commercial Pilot Course," etc. as per § 141.11(b)] for some of its approved courses. Now during the renewal inspection, the FAA makes a determination that the pilot school failed to meet the student activity/quality requirements of § 141.5(d). Therefore, in accordance with § 141.27(a)(3), the school would be required to surrender their pilot school certificate and would only be issued a provisional school certificate. As per § 141.63(b)(2), all examining authority for the school's courses must be surrendered because the school must hold a pilot school certificate.

{Q&A-302}

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**QUESTION:** What is meant by the phrase “. . . or any combination thereof . . .” that is contained in § 141.63(a)(5)(ii)?

**ANSWER:** Ref. § 141.63(a)(5)(ii); And the phrase “. . . or any combination thereof . . .” that is contained in § 141.63(a)(5)(ii), again it requires 10 students to be evaluated for each training course for which examining authority is sought. The way the subparagraph (ii) of § 141.63(a)(5) is structured and specifically the phrase “. . . or any combination thereof . . .” it is intended to go along with the phrase “. . . at least 10 students in that training course . . .” that is contained in subparagraph (i) of § 141.63(a)(5). Otherwise, the rule requires 10 actions in EACH training course.

{Q&A-202}

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**QUESTION:** Will amended training courses received and approved in compliance with revised Part 141 retain examining authority if the requirements of 141.63(b) are met, or will all TCO's be required to meet the initial approval of § 141.63(a) for examining authority?

**ANSWER:** Ref. § 141.63: Yes, they will retain their examining authority; As an example, if the school held examining authority for their Private Pilot - ASEL Course prior, then the school shall retain that approval. Treat this just like you would if the school was submitting a revision to their approved course.

{Q&A-102}

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## § 141.65 Privileges

**QUESTION:** The situation is a Part 141 approved school is requesting examining authority for its ATP ground school course. The school only teaches ground school training. It has no aircraft nor does it teach flight training. Is it permissible for a school to receive examining authority for a ground school course only?

**ANSWER:** Ref. § 141.65; Yes, it is permissible for a Part 141 approved school to request and receive approval for examining authority for its ATP ground school course. Now lets agree that the school complies with the requirements in § 141.63(a) for initial approval of its examining authority and paragraph (b) for retaining that approval.

The rule (i.e., § 141.65) merely states: “A pilot school that holds examining authority may recommend a person who graduated from its course for the appropriate pilot, flight instructor, or ground instructor certificate or rating without taking the FAA knowledge test or practical test in accordance with the provisions of this subpart.” Notice, in the final rule that became effective August 4, 1997, the phrase

“ . . . except flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings . . .” was removed. It is now permissible for Part 141 approved schools to request and receive approval for examining authority for flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings.

The rules (i.e., Subpart D, Part 141) do not require the school to provide both ground and flight training to be awarded examining authority. And, prior to August 4, 1997 when the rule was changed, the FAA had issued several grants of exemption that permitted examining authority for ATP and flight instructor knowledge testing. So again, the answer is yes, it is permissible for a Part 141 approved school to request and receive approval for examining authority for its ground school courses. And these schools do not even need to teach flight training. They can be a ground school only.  
{Q&A-226}

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## § 141.67 Limitations and reports

**QUESTION:** I am assigned as the POI for a Part 141 school that has self examining authority for its Commercial Pilot Certification Course – Airplane Single Engine Land rating. One of the school's students who is enrolled in their Commercial Pilot Certification Course – Airplane Single Engine Land rating accomplished a portion of the school's final phase check on February 3, 2002. However, the student did not complete the remainder of the final phase check until April 9, 2002. Sixty-five (65) days had elapsed from the time the student's final phase check was discontinued to the date of April 9, 2002. During that time, no training was given to the student. Again this school's Commercial Pilot Certification Course – Airplane Single Engine Land rating is approved for self-examining. Is this legal for the school to have continued the final phase check after 65 days had elapsed between the time the final phase check was discontinued and the student returned to complete the final phase check?

**ANSWER:** Ref. § 61.43(f)(1) and § 141.67(a) and FAA Order 8700.1, Vol. 2, Chapter 1, page 1-13, paragraph 17.D.(3); The answer is no, it is not appropriate for the school to have continued the final phase check after 65 days had elapsed. The student is required to have passed the remainder of the final phase check within the 60-day period after the date the final phase check was discontinued. The student will have to receive additional training. The student must complete the entire final phase check.  
{Q&A-501}

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**QUESTION:** After the student graduates from the Commercial Pilot Certification - ASEL Course, the Chief Instructor, who is also a DPE, conducts the Commercial Pilot Certification ASEL and AMEL practical tests in the following manner: The practical tests begins in a Piper PA-38 (i.e., non-complex single engine airplane). After completing the areas of operation that can be accomplished in this non-complex single engine land airplane, they go to a Piper PA-44 multiengine land airplane where the complex single engine airplane tasks are performed. If these are satisfactory, the DPE completes the Commercial Pilot Certification - ASEL practical test and (during the same flight) commences a AMEL add-on rating practical test. This is documented with the student having completed 2 FAA Forms 8710-1 applications (“Airman Certificate and/or Rating Application”). The first application applies for the Commercial Pilot Certificate – ASEL rating practical test. The second application covers the AMEL additional rating at the commercial pilot certification level.

**ANSWER:** Ref. §§ 141.67(c), 61.45(a)(1)(i) and Commercial Pilot Airplane PTS, FAA-S-8081-12A, page 6; I don't see anything wrong with the way the examiner is conducting the practical tests for the ASEL and AMEL ratings at the commercial pilot certification level. It appears to me that the examiner is conducting the practical tests properly and in accordance with Commercial Pilot Airplane PTS. And per the Commercial Pilot Airplane PTS, FAA-S-8081-12A, page 6, the PTS merely states:

“3. must be a complex airplane furnished by the applicant for the performance of takeoffs, landings, and appropriate emergency procedures. A complex landplane is one having retractable landing gear, flaps, and controllable propeller. A complex seaplane is one having flaps and controllable propeller.”

Even the B version of the Commercial Pilot Airplane PTS, that is due out in August of 2002, does not significantly alter that language.

Historically, the FAA has permitted the practice of allowing an applicant to use a complex multiengine airplane for the complex airplane tasks for the Airplane Single Engine rating at the Commercial Pilot Certification level. And per § 61.129(a)(3)(ii), the rule even permits the complex airplane training for the Airplane Single Engine rating at the Commercial Pilot Certification level to be merely “. . . training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller . . .” [NOTE: the rule merely states “. . . in an airplane . . .”. It doesn't

require the training to be in a complex single engine airplane]. There was a deliberate difference written in the rules between complex single engine airplane training conducted outside of Part 141 vs. under a Part 141 approved Commercial Pilot Certification Course for the ASEL rating [i.e., § 61.129(a)(3)(ii) vs. Part 141, Appendix D, paragraph 4.(b)(1)(ii)]. Before I digress too far from the actual question you're asking me, I realize your question only pertains to the practical test for the Commercial Pilot Certification – ASEL rating and not training. But I felt compelled to give you some explanation for the reason for my answer and to make note that procedurally there is a noted difference for complex airplane training for the ASEL rating between training outside of Part 141 vs. under an approved Part 141 Commercial Pilot Certification Course for the ASEL rating [i.e., § 61.129(a)(3)(ii) vs. Part 141, Appendix D, paragraph 4.(b)(1)(ii)].  
{Q&A-496}

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**QUESTION:** Based on § 141.77(c)(2) a pilot (student) enrolls in Part 141 school A's Commercial Pilot Certification Course (190 flight hours) and is given 40 hours of flight training credit, based on previous training and the appropriate knowledge and practical tests given by the receiving Part 141 school. After receiving 40 hours of training from the receiving Part 141 school, the student now is at the 80 hour point in this first school's Commercial Pilot Certification Course (No examining authority). Student decides to transfer to a second Part 141 school which has a Commercial Pilot Certification Course with examining authority. The student wants to transfer as much credit as possible into the second Part 141 school's Commercial Pilot Certification Course with examining authority. Considering the 40 hours that the student “brought with him” into the first Part 141 school and the 40 hours that he accumulated while enrolled in the first Part 141 school's Commercial Pilot Certification Course, can the second Part 141 school give and the student get credit for up to 40 hours flight training credit (flight training received from a Part 141 school) or can he receive up to 80 hours flight training credit, based on the first school's acceptance of the original 40 hours training experience?

**ANSWER:** Ref. §§ 141.67(b)(1) and 141.77(c)(1) and more so FAA Order 8700.1, paragraph 17.B; The maximum allowable transfer credit would be 40 hours only. The intent of both these regulations were to give a transfer student a maximum credit of:

§ 141.67(b)(1): “. . . does not exceed one half of the receiving school's curriculum requirements;”

§ 141.77(c)(1): “. . . may be 50 percent of the curriculum requirements and . . .”

and

Per FAA Order 8700.1, paragraph 17.B. on page 141-9: “. . . course credit obtained in the previous course of training may be credited in all or part by the receiving school. However, the receiving school may determine the amount of credits to be allowed . . .” and even though AC 141-1A is out-of-date (which I intend to fix one of these days), AC 141-1A, paragraph 29 on page 11 states:

“. . . course credits obtained in the previous course of training may be credited in all or part by the receiving school.”

No where does these rules or in Order 8700.1 permit crediting of 50% of the curriculum requirements when the student's aeronautical experience only shows 40 hours. I know an argument could be made that the rule doesn't specifically prohibit it either. However, note that § 141.27(a)(2) says: “A pilot school MAY apply for renewal . . . if the Administrator determines the school's . . . training records . . . meet the requirements of this part.” And a school that would choose to give such credit will likely find that the FSDO suddenly is inspecting and checking everything often and possibly insisting on performing all of the end of course practical tests!

{Q&A-166}

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**QUESTION:** Can a non-Part 141 student transfer into a Part 141 school's course that has examining authority? If so, what is the maximum credit that may be credited to a non-Part 141 student who elects to enroll in a school's course that holds examining authority?

**ANSWER:** Ref. § 141.67(b)(1); You cannot permit a non-Part 141 transfer student to transfer into a school's course that holds examining authority. This was intentional because we do not want a non-Part 141 transfer student to

come into a Part 141 approved course that holds examining authority. Non-Part 141 transfer student must complete ALL of the course requirements of a course that holds examining authority. Per § 141.67(b)(1):

(b) Except as provided in this paragraph, the person satisfactorily completed all the curriculum requirements of that pilot school's approved training course. A person who transfers from one part 141 approved pilot school to another part 141 approved pilot school may receive credit for that previous training, provided the following requirements are met:

(1) The maximum credited training time does not exceed one-half of the receiving school's curriculum requirements;

{Q&A-136}

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## § 141.77 Operating rules: Limitations

QUESTION: Per § 141.77(c), it states in subparagraphs:

(c) A student may be given credit towards the curriculum requirements of a course for previous pilot experience and knowledge, provided the following conditions are met:

(1) If the credit is based upon a part 141-approved training course, the credit given that student for the previous pilot experience and knowledge may be 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school;

(2) If the credit is not based upon a part 141-approved training course, the credit given that student for the previous pilot experience and knowledge shall not exceed more than 25 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school;

(3) The receiving school determines the amount of course credit to be transferred under paragraph (c)(1) or paragraph (c)(2) of this section, based on a proficiency test or knowledge test, or both, of the student; and

The misleading language in subparagraphs (1) and (2) and (3) is the phrase “. . . a proficiency test or knowledge test, or both, . . .” The way these subparagraphs are worded, it would seem that it's permissible for the receiving school to credit an incoming student by giving that student only a proficiency test? And also it would seem that it's permissible for the receiving school to credit an incoming student by giving that student only a knowledge test? The way the phrases in each of the subparagraphs are written “. . . based upon a proficiency test or knowledge test, or both, . . .”, would seem that it's permissible?

ANSWER: Ref. § 141.77(c)(1), (2), and (3); No, it is not permissible for the receiving school to credit an incoming student by giving that student only a proficiency test or only a knowledge test except if the receiving pilot school is only approved for ground training courses OR if the receiving pilot school is only approved for flight training courses.

The phrases “. . . a proficiency test or knowledge test, or both, . . .” in § 141.77(c)(1), (2), and (3) is a mistake. It should have been written to read “. . . a proficiency test and knowledge test, as appropriate . . .” When and if the FAA ever revises Part 141 again, this mistake has been noted and we intend to change that phrase “. . . a proficiency test or knowledge test, or both, . . .” to read “. . . a proficiency test and knowledge test, as appropriate . . .”

The mistake was made because there are some pilot schools that only approved for providing ground training courses and then there are pilot schools that only approved for providing flight training courses. Those of us who were responsible for the rewrite of Part 141 in 1997 did not write the phrases correctly to capture that situation.

{Q&A-580}

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QUESTION: Concerning a Part 141 Appendix I add-on course, does the 25% transfer credit for military flight experience apply? For example, if a military helicopter pilot wants to take an add-on commercial multiengine airplane course (55 hr course), can they be given up to 13.75 hrs of transfer credit (based on a knowledge and proficiency test) for their military flight time?

ANSWER: Ref. § 141.77(c)(2); I realize that § 141.77(c)(2) states, in pertinent part, “. . . the credit given that student for the previous pilot experience and knowledge shall not exceed more than 25 percent of the curriculum

requirements . . .” But your question states the person is only experienced in flying helicopters (*in the military*) and has no multiengine airplane flight experience. I doubt very seriously whether a helicopter only pilot could be given a proficiency test, and the receiving pilot school would qualify the person at the maximum of 25 percent of the curriculum requirements. I doubt it! I would severely question whether a helicopter only pilot could accomplish a proficiency test in a multiengine airplane where the student’s proficiency would show at the level of 25 percent of the curriculum requirements with no time ever in a multiengine airplane.

However, as per § 141.77(c)(2), the actual amount of time credited shall be based on the receiving school administering the student a proficiency test or knowledge test, or both. And since your question involved a question on the amount of previous pilot experience that may be credited toward the curriculum requirements, the test administered by the receiving school must be a proficiency test.

{Q&A-535}

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**QUESTION:** Section 141.77(c) (1) & (2) uses the phrase, “... based upon a proficiency test or knowledge test, or both.” At least one FSDO has interpreted this to mean that flight proficiency credit can be determined through a knowledge test ONLY with no actual flight conducted. (Note that the language is different in 141.67(b)(2) where it uses the phrase, “... knowledge AND proficiency test...” ) Do you agree?

**ANSWER:** Ref. § 141.77(c)(1) and (2); No, it is not permissible for a receiving school to base credit given to a transferring student for previous pilot experience on the basis of a knowledge test only. That was never the intent. The reason for the phrase “. . . based upon a proficiency test or knowledge test, or both . . .” is because as we know there are approved ground courses as well as flight courses and most approved courses have both a ground portion and a flight portion. The credit the receiving school is basing the transferring student’s previous pilot experience (flight portion) would be based on a proficiency test in either an aircraft, or if the course has approved use of a flight simulator or flight training device then a flight simulator or flight training device could be used. The credit the receiving school is basing the transferring student’s previous knowledge (ground portion) would be based on a knowledge test.

However, I agree the phrase “. . . based upon a proficiency test or knowledge test, or both . . .” in § 141.77(c)(1) and (2) could have, and should have, been worded better.

{Q&A-509}

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**QUESTION:** When transferring credit of an incoming student from one Part 141 school to another, may the 50% credit include 100% credit for specific lessons or portions of training? For example, could a student get 100% credit for all cross-country work or 100% credit for night training hours as long as it does not exceed 50% of the receiving school's total curriculum? § 141.77

**ANSWER:** Ref. § 141.77(c)(1); Yes, the crediting of 50% of the curriculum requirements may be 100% credit on specific lessons or portions of training. The intent of the phrase “. . . may be 50 percent of the curriculum requirements . . .” means 50% of the total curriculum requirements.

Procedurally, the receiving school will evaluate the incoming student’s proficiency and knowledge and then will make a determination on what lesson the student should start out the course in. For example, the receiving school’s Private Pilot-Airplane Single Engine Certification Course’s curriculum may be consisting of 30 flight lessons and 10 ground lessons. The receiving school will evaluate the transferring student’s proficiency and knowledge and then make a determination on what flight lesson and what ground lesson the student should start out the course in. But at no time, may the credit be more than 50% of the total curriculum requirements. The way that § 141.77(c)(1) is written gives a school the discretion in making the determination where the transferring student needs to be placed in the curriculum. But at no time may the credit be more than 50% of the total curriculum requirements.

{Q&A-509}

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**QUESTION:** One of our 141 schools (at present---former) last August changed their main base of operations along with the vendor of training aircraft. Their certificate was to expire at the end of August. On August 30th they submitted an application for renewal; however, we could not renew the certificate without a complete base/facility inspection (because of a major change in equipment, location, facilities, etc.). Subsequent delays (not of our making) forced the certificate into expiration.

The question is this: Can those students who were training at this school under the previous certificate # retain all credit when this new certificate (with new number) is issued? (Keep in mind this is the same school, that will have a different certificate #) If not, do we fall back on 141.77(c)(1)? This school will be (re) certified back as a provisional school. I don't see any other way to return them to their original status.

It appears that 8 months have passed since the school's certificate expired and the school has not yet been re-certificated. When it is re-certificated it will have a new certificate number, and because there has been a "major change in equipment, location, facilities, etc.," It sounds like it is now a new school. Given that, the regulations call for transfer credit of 50% of the new school's curriculum. It is unfortunate that the students are the ones to suffer, but with an 8-month gap in the training, how many students could really be affected. Also, only those students who had completed more than 50% of the old school's curriculum should feel any serious impact.

**ANSWER:** Ref. § 141.77(c)(1) and FAA Order 8700.1, Vol.2, Chapter 141, page 141-11, paragraph 19.B.(4); If there has been a major change in personnel, equipment, location, and/or facilities, the school will be issued a new school certificate, and it must be a Part 141 provisional school certificate. Per § 141.77(c)(1), the maximum allowable transfer time is 50% of the curriculum requirements but only for those students who can show from their past training records that they completed 50% or more of the course of the new curriculum requirements. The chief instructor from the receiving school must review the past training records of the students. And the maximum allowable transfer time must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school.

{Q&A-502}

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**QUESTION:** We have another concern related to this matter. This school uses an Instrument – Airplane Rating Course syllabus and Commercial Pilot Certification Course syllabus that was developed by one of the commercial training course vendors. The syllabus provides for giving AMEL training in the Part 141 Commercial Pilot Certification - ASEL Course syllabus. The course counts that training in a multiengine airplane towards the 120 hour requirement of Part 141, Appendix D 4.(a)(1) for the commercial pilot certification - ASEL rating in the Commercial Pilot Certification Course syllabus. They also give 10 hours of dual flight training in a complex multiengine airplane in the Commercial Pilot Certification Course syllabus and count it toward the complex airplane single-engine training requirements.

Can a student enrolled in a Part 141 Commercial Pilot Certification - ASEL Course receive training in a multiengine airplane simultaneously in the course for the purpose of obtaining an additional AMEL class rating after graduation from the Part 141 approved course under Part 61 and count those hours towards the required 120 hours required in Appendix D?

**ANSWER:** Ref. § 141.77(a)(1) and (b) and Part 141, Appendix D, paragraph 4.(b)(1)(ii); No, a student cannot be credited time in a complex multiengine airplane that was performed outside of the school's Part 141, Appendix D Commercial Pilot Certification Course for the Airplane Single Engine rating .

Now I think you're asking me, in a round about way, is it legal to credit training given in a complex multiengine airplane (outside of the school's Part 141 approved course) toward the complex single engine airplane training under Part 141, Appendix D Commercial Pilot Certification Course for the Airplane Single Engine rating. I think?

The way Part 141, Appendix D, paragraph 4.(b)(1)(ii) is stated, the complex airplane training for the Commercial Pilot Certification Course for the ASEL rating must be in a single engine complex airplane.

The way Part 141, Appendix D, paragraph 4.(a)(1) and paragraph 4.(b)(1)(ii) are written, a Part 141 Commercial Pilot Certification Course for the ASEL rating only requires 55 hours of the required 120 hours of training to be performed in a single engine airplane. If the school requests approval of a combined Part 141 Commercial Pilot Certification Course for the ASEL and AMEL ratings, the breakdown of flight training does allow for training in both the single engine airplane and the multiengine airplane.

Per Part 141, Appendix D, paragraph 4.(b)(1)(ii), the complex airplane single engine training for the Part 141 Commercial Pilot Certification Course for the ASEL rating must be at least “. . . 10 hours of training in a single-engine airplane that has retractable landing gear, flaps, and a controllable pitch propeller, or is turbine-powered . . .” [Emphasis added: single-engine airplane that has retractable landing gear, flaps, and a controllable pitch propeller].

And for the complex airplane multiengine training for the Part 141 Commercial Pilot Certification Course for the AMEL rating, per Part 141, Appendix D, paragraph 4.(b)(1)(ii), the training must be at least “. . . 10 hours of training in a multiengine airplane that has retractable landing gear, flaps, and a controllable pitch propeller, or is turbine-powered . . .” [Emphasis added: multiengine airplane that has retractable landing gear, flaps, and a controllable pitch propeller].

Otherwise, if the training course is for the Part 141 Commercial Pilot Certification Course for the ASEL rating, the training must be in a single engine complex airplane. And if the training course is for the Part 141 Commercial Pilot Certification Course for the AMEL rating, the training must be in a multiengine complex airplane.  
{Q&A-496}

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**QUESTION:** The use of § 141.77(c) for transfer credit is clearly established and you have said in the FAQ's that a graduate of a 141 school's ground training course should get 100% credit for the ground training when enrolling at another 141 school. The issue of credit for ground training that has resulted in the completion of and graduation from a Part 61 course, (such as for college credit) and/or has resulted in the student being recommended for a knowledge test has not been addressed clearly. Our opinion is that, since so many courses teach only enough to pass the knowledge test and do not fully address ground training sufficient to pass the knowledge portion of the practical test, no more than 25% credit should be given even though this is not technically a transfer, as the student may have graduated and even passed the knowledge test. Can you address this issue?

**ANSWER:** Ref. § 141.77(c); A person who shows up at a flight school with record of test results that shows having passed the appropriate knowledge test gets 100% credit for the aeronautical knowledge training. I have answered this question on several occasions, with each question having slightly different scenarios, but my answer has always been the same. A person who has passed the appropriate knowledge test gets 100% credit for the aeronautical knowledge training. The answers were based on the fact that § 141.77(c)(1) and (2) does not apply to a person who has passed the appropriate knowledge test and then begins the flight portion of the training at a Part 141 approved school. Now this answer does not prevent the school from having this student submit to its own aeronautical knowledge test to evaluate the person's competency. But, in no place in FAA Order 8700.1 or Part 141, do we require further testing or limiting the credit for a person who has passed the appropriate knowledge test and then begins the flight portion of the training at a Part 141 approved school.

As I have previously stated in answering questions relating to § 141.77(c)(1) and (2), these rules are for a student who dis-enrolls from one school (or received training in a non-Part 141 training course) prior to completion of that school's Part 141 approved curriculum (or received training in a non-Part 141 training course), and then transfers to another school to finish the training. Section 141.77(c)(1) and (2) is not applicable to a person who has already completed the entire aeronautical knowledge training and knowledge test. A person gets 100% credit for the aeronautical knowledge training when that person has already passed the appropriate knowledge test.  
{Q&A-480}

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**QUESTION:** In a Part 141 approved training program, I understand that all lessons need to be completed and that a student cannot solo prior to completion of the pre-solo dual flight training or prior to completion of the pre-solo cross country dual flight training. It has been suggested that the order of the lessons in a syllabus cannot be altered and they are required to be completed in numerical order as listed in the training syllabus.

Is it possible to change the sequence of the lessons especially within each stage and between each stage, where and when practical to meet an individual student's progress and the demands of special circumstances such as weather, aircraft availability, and student abilities in keeping with the flexibility of any practical training syllabus. It is my opinion that the student can lose continuity and proficiency of lessons already learned if there are long periods of not flying. The reasons for altering the lesson sequence may be due to weather that does not permit the conduct of certain lessons in sequence or because of aircraft availability or a student's ability to grasp the knowledge and skill necessary for the completion of standards of a particular lesson, without going to a different part of the syllabus.

**ANSWER:** Ref. § 141.77(a)(1) and (b); The answer is yes, it is permissible for a school to alter the sequence of its lessons to meet individual situations and individual student needs.

The only regulatory requirements that come close to addressing your question is in reference to the provisions that require a student to have “. . . Completed the training specified in the pilot school's course of training . . .” [i.e., § 141.77(a)(1)] and prohibiting a school from graduating a “. . . student from a course of training unless the student has completed all of the curriculum requirements of that course . . .” [i.e., § 141.77(b)]. But no place in Part 141 or in FAA Order 8700.1 prevents a school from altering the sequence of the lessons. Even in FAA Order 8700.1, Vol. 2, Chapter 140, page 140-1, paragraph 3, the FAA stated in discussing the concept behind the implementation of Part 141 “. . . This concept was implemented by making prescribed curricula for training more flexible and by adopting procedures to assure that a training course used by a school is adequate, appropriate, and administered by qualified persons.”

Therefore, it is permissible for a school to alter the sequence of its lessons to meet individual situations and individual student needs. As I have previously stated in several of my answers about the intent of training syllabi approved under Part 141:

*“I realize for all of us, the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school's success and the course's success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time.*

*In approving training courses, the new Part 141 has reduced the need for a lengthy review process. To approve the training courses, you should only need to review the training courses to ensure conformity with § 141.55 and then ensure the training course contents and times comply with the appropriate Appendix of Part 141.”*

However, and I am re-stating your understanding that students cannot perform solo flying prior to completion of the pre-solo flight training [i.e., § 61.87]. Students cannot perform solo cross-country flights prior to completion to their dual cross-country flight training [i.e., § 61.93].

{Q&A-459}

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**QUESTION:** How does the credit limit consideration (50% transfer from one 141 school to another 141 school) apply if the transfer student has, in some other method, completed the ground training and successfully completed the required knowledge test.

**ANSWER:** Ref. § 141.77(c)(1); This question that you asked has been asked several times in the past with some slightly differing and varying twists to the question. However, the answer is still the same, § 141.77(c)(1) is for a student who dis-enrolls from one school prior to completion of that school's Part 141 approved curriculum and then transfers to another school to finish the training. In your question, you said the student completed the entire aeronautical knowledge training and completed the appropriate knowledge test. So, § 141.77(c)(1) doesn't apply to your situation. So, the student gets 100% credit for the aeronautical knowledge training. The student could start in the flight portion of the school that he/she transferred to.

{Q&A-457}

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**QUESTION:** Section 141.77(c)(1) (Transfer of credit from a 141 school). Is the school's chief instructor expected to separate the ground training and flight training experience that a transferring student is bringing into the receiving school? Can portions of the students ground training, that has been completed, be credited by the receiving school for flight training?

**ANSWER:** Ref. § 141.77(c)(1); When you state the students' ground training has been completed, are you saying the applicant completed the entire ground portion to qualify to take the knowledge test or has satisfactorily completed the appropriate knowledge test. As I stated in a previous Q&A 150, if a student COMPLETED the entire ground portion to qualify to take the knowledge test or has satisfactorily completed the appropriate knowledge test then that student would receive 100% credit.

I have previously stated in the past in answering similar kinds of questions on this rule, § 141.77(c)(1) is for a student who dis-enrolls from one school prior to completion of that school's Part 141 approved curriculum and then transfers to another school to finish their Part 141 approved curriculum.

However, if the student hasn't completed the entire ground school portion of the appropriate training and really is a transfer student, then yes the chief instructor would be required evaluate the transfer student's previous ground and flight training.

{Q&A-435}

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**QUESTION:** Why is 141 training limited to no more than 50% of the receiving school's course requirements? Why not permit 100% transfer when it is 141 to 141?

**ANSWER:** Ref. § 141.77(c)(1); The FAA rulemaking team that drafted the rule determined that 50% of the previous training credits should all that should be transferable. Because, if we had allowed 100% credit (for a transfer student), it would be comparable to attending one college (i.e., Pacific Western College = a certificate factory college) for 4 years, and then transfer to Harvard University for the last 3 credits and receive a degree from Harvard University. The FAA rulemaking team determined that for a student to receive a graduation certificate from one school that student should have at least completed 50% of that graduating school's curriculum.

{Q&A-435}

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**QUESTION:** Situation, my Part 141 school administers a pilot course of training titled the "Professional Pilot Course" that incorporates the Private Pilot-Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane, and Commercial Pilot--Airplane Single Engine Land rating all into one complete course. The complete course is broken down into:

Stage 1 is to prepare the student for solo flight.

Stage 2 is to prepare the student for solo cross country flight

Stage 3 is the stage for completion of the Private Pilot Certification portion of the course

Stage 4 is the navigation portion at the Commercial Pilot level

Stage 5 is the complex airplane training at the commercial pilot level

Stage 6 is the instrument training

Stage 7 is the stage for completion of the Commercial Pilot-ASEL rating and Instrument-Airplane rating.

Our "Professional Pilot Course" completion is approved for a total of 218 hours. And for the sake of brevity and proprietary privileged information, the solo and dual time of our "Professional Pilot Course" equate or exceed the appendix hour requirements of Appendix B, Appendix C, and Appendix D of Part 141. Our "Professional Pilot Course" has been approved under § 141.57. And the total hour requirements in each phase of our "Professional Pilot Course" exceed the hour requirements of Appendix B, Appendix C, and Appendix D. As for example, when our students are put up for the Private Pilot Certification-ASEL at completion of State 3, they'll have a minimum of at least a total of 66 hours. Appendix B of Part 141 only requires 35 total hours. When adding up the total hour requirements of Appendix B, Appendix C, and Appendix D, it adds up to a total of 190 hours. Our "Professional Pilot Course" adds up to a total of 218 hours.

Now for the question, let's take a situation where the student ends up with 68 total hours at the end of stage 3. Can this extra time (2 hours) be included in the total hour requirements of our "Professional Pilot Course" (i.e., 218 hours or does it have to be added on, meaning now the total hour requirements of our "Professional Pilot Course" will be 220 hours?

**ANSWER:** Ref. § 141.77(a)(1); The extra time must be added on. The student must show at least 220 hours and meet the individual approved hour requirements of each of the remaining stages of your school's "Professional Pilot Course."

Each one of the stages/phases is a distinct and separate course of training. I understand you say your "Professional Pilot Course" is a ". . . complete course . . ." However, in these Professional Pilot Courses that are approved under § 141.57, § 141.57 states, in pertinent part, ". . . the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter. . . " The FAA's position is that although we may not have any objections for allowing schools to design such a course, the school's "Professional Pilot Course" must ". . . contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter. . . " [i.e., § 141.57]. And that also means the students must meet the eligibility prerequisites for going from one phase to the next phase. Meaning, if the student must hold a private pilot certificate prior to enrollment in the flight portion of the commercial pilot certification

phase of the "Professional Pilot Course" [i.e., Appendix D, paragraph 2.(a)]. And prior to enrollment into the flight portion of the instrument phase of the school's "Professional Pilot Course," the student must hold a private pilot certificate [i.e., Appendix C, paragraph 2.].

Now in your scenario, you stated that the student was not prepared for the private pilot certificate at the end of Stage 3 which is approved for 66 hours. You said the student needed 2 additional hours to be prepared for the private pilot certificate. Therefore, when the student completes Stage 3, he showed 68 hours. The student must now meet the hour requirements of each of the remaining stages and their approved hour requirements. So if the student progresses in accordance with the approved hour requirements for each remaining stage, the student must show 220 hours for completion of your school's "Professional Pilot Course."

By the student showing 220 hours at completion of Stage 7 of your "Professional Pilot Course" will allow the student to graduate and conform to the requirements of § 141.77(a)(1).  
{Q&A-333}

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**QUESTION:** Ref. § 141.77(c); A local flight school has posed this question:

If an applicant has 70 hours of aeronautical flight experience of training at a previous Part 141 flight training school, and also has 60 hours of previous aeronautical flight experience of training at a Part 61 school, both of whom have provided certified records, how many hours (maximum) can our school credit to this applicant's Commercial Pilot Certification Course?

We have several interpretations in our office.

- 60, because it is 1/2 of 120 required hours.
- 35, because it is 1/2 of the 70 previous 141 hours.
- 50, because it is 1/2 of 70 plus 1/4 of 60.

Not enough information, i.e., how many hours to get private certificate, instrument rating, etc.

What do you say? (Let's assume that the receiving school uses the times shown in the appendixes for their TCO.)

**ANSWER:** Ref. § 141.77(c)(1); Below are my answers, but I can't stress STRONGLY enough to you that the maximum transferable time must be ". . . based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . ." Otherwise, just because § 141.77(c)(1) allows for the maximum transferable time to be ". . . 50 percent of the curriculum requirements . . ." doesn't necessarily require the receiving school to award that applicant 50 percent of the curriculum requirements.

As an example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Commercial Pilot-Airplane Single Engine Land Course which has been approved for a total of 120 hours in accordance with Part 141, Appendix D, paragraph 4.(a)(1). So, in accordance with § 141.77(c)(1), the maximum amount of time that may be transferable is ". . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . ." So the maximum transferable time is 60 hours (e.g., 50% of 120 hours equals 60 hours).

Another example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Private Pilot-Airplane Single Engine Land Course which has been approved for a total of 35 hours in accordance with Part 141, Appendix B, paragraph 4.(a)(1). So, in accordance with § 141.77(c)(1), the maximum amount of time that may be transferable is ". . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . ." So the maximum transferable time is 17.5 hours (e.g., 50% of 35 hours equals 17.5 hours).

Another example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Instrument-Airplane Initial Qualification Course which has been approved for a total of 35 hours in accordance with Part 141, Appendix C, paragraph 4.(a)(1). So, in accordance with § 141.77(c)(1), the maximum amount of time that may be transferable is “. . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . .” So the maximum transferable time is 17.5 hours (e.g., 50% of 35 hours equals 17.5 hours).  
{Q&A-245}

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**QUESTION:** § 141.77(c)(2) states in summary “25% of the curriculum requirements may be credited for previous experience. Therefore if all other requirements of § 141.77 are met a commercial airplane applicant could be credited with up to 30 hours making the minimum course completion time 90 hours.

An applicant requires 60 hours to complete the private pilot airplane and has 35 hours of dual and 25 hours of solo. The applicant completes their instrument in a Part 141 school in 35 hours. The applicants' total time is now 90 hours.

If I am able to credit 30 hours in our Part 141 syllabus that will require 90 more hours of training. 90 hours + 60 hours + 35 hours = 180 hours.

It may not be the intent of the regulations, however is it true that in the above example the applicant may receive their commercial certificate in 180 hours?

**ANSWER:** Ref. Part 141, Appendix D, paragraph 2; You are not correct on any of your assumptions. As per Part 141, Appendix D, paragraph 2, the applicant has to hold a private pilot certificate first. So all the time requirements of paragraphs 3 and 4, as appropriate, of Part 141, Appendix D have to be met after the applicant first holds a private pilot certificate. And as it states in paragraph 2.(b), must either “. . . hold an instrument rating . . . ; or . . . Be concurrently enrolled in an instrument rating course . . .” So again, all of the time requirements of paragraphs 3 and 4 of Part 141, Appendix D, as appropriate, have to be met in the commercial pilot certification course.  
{Q&A-212}

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**QUESTION:** We have a college, with a 141 Ground School only approval. They contract out to other 141 schools who conduct the flight training.

The question we have involves the credit for ground school allowed by the rule when the flight student has passed the GS and received a Graduation Certificate and sometimes already taken and passed the appropriate written test. Is the school conducting the flight training still bound by the 50% limit imposed by section 141.77(c) of this rule?

**ANSWER:** Ref. § 141.77(c)(1); The student would receive 100% credit. The rule doesn't apply to your situation. The reason is because in this situation, the student completed the entire ground portion of the college's private pilot ground school course. As for aeronautical knowledge, there isn't anything further the student needs to complete because a graduation certificate was issued and often the knowledge test was passed. As you stated, the college doesn't even have an approved Part 141 Private Pilot Certification Course - flight portion. The school is only approved for the ground portion of the Private Pilot Certification Course.

In your situation, the student now enrolls (notice I didn't say transfers) in the flight portion of the next Private Pilot Certification Course. The student is not a transfer student in the sense of § 141.77(c)(1).

I have previously stated in the past in answering similar kinds of questions on this rule, § 141.77(c)(1) is for a student who dis-enrolls from one school prior to completion of that school's Part 141 approved curriculum and then transfers to another school to finish their Part 141 approved curriculum.  
{Q&A-150}

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**QUESTION:** Based on 141.77(c)(2) a pilot (student) enrolls in Part 141 school A's Commercial Pilot Certification Course (190 flight hours) and is given 40 hours of flight training credit, based on previous training and the appropriate knowledge and practical tests given by the receiving Part 141 school. After receiving 40 hours of training from the receiving Part 141 school, the student now is at the 80 hour point in this first school's Commercial Pilot Certification Course (No examining authority). Student decides to transfer to a second Part 141 school which

has a Commercial Pilot Certification Course with examining authority. The student wants to transfer as much credit as possible into the second Part 141 school's Commercial Pilot Certification Course with examining authority. Considering the 40 hours that the student "brought with him" into the first Part 141 school and the 40 hours that he accumulated while enrolled in the first Part 141 school's Commercial Pilot Certification Course, can the second Part 141 school give and the student get credit for up to 40 hours flight training credit (flight training received from a Part 141 school) or can he receive up to 80 hours flight training credit, based on the first school's acceptance of the original 40 hours training experience?

**ANSWER:** Ref. §§ 141.67(b)(1) and 141.77(c)(1) and more so FAA Order 8700.1, paragraph 17.B; The maximum allowable transfer credit would be 40 hours only. The intent of both these regulations were to give a transfer student a maximum credit of:

§ 141.67(b)(1): "... does not exceed one half of the receiving school's curriculum requirements;"

§ 141.77(c)(1): "... may be 50 percent of the curriculum requirements and ..."

and

FAA Order 8700.1, paragraph 17.B. on page 141-9: "... course credit obtained in the previous course of training may be credited in all or part by the receiving school. However, the receiving school may determine the amount of credits to be allowed ..."

and even though AC 141-1A is out-of-date (which I intend to fix one of these days), AC 141-1A, paragraph 29 on page 11 states:

"... course credits obtained in the previous course of training may be credited in all or part by the receiving school."

No where does these rules or in Order 8700.1 permit crediting of 50% of the curriculum requirements when the student's aeronautical experience only shows 40 hours. I know an argument could be made that the rule doesn't specifically prohibit it either. However, note that § 141.27(a)(2) says: "A pilot school may apply for renewal ... if the administrator determines the school's ... training records ... meet the requirements of this part." And a school that would choose to give such credit will likely find that the FSDO suddenly is inspecting and checking everything often and possibly insisting on performing all of the end of course practical tests!

{Q&A-166}

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**QUESTION:** I am a chief instructor at a approved 141 flight school. We also have the local collage that offers a 141 instrument ground school. If a person graduates from the instrument ground and enrolls in our instrument flight training. Can I give him full credit for the ground school completed at the collage or 50 %?

**ANSWER:** Ref. § 141.77(c)(1); This rule doesn't apply to your situation. You said the student graduated from the other school's Part 141 approved GROUND school course. And I am assuming that means he took and passed the appropriate FAA knowledge test? Am I assuming right? If so, there are no further ground school training required because the student has passed the knowledge test. So in this case, the student gets 100% credit. The student would start out in the flight portion of your course.

{Q&A-167}

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**QUESTION:** A student is enrolled in ABC Flight School's old Part 141 Private Pilot-ASEL course. The curriculum was approved prior to the adoption of the new Part 141 that came into effect on August 4, 1997. On March 1, 1998, ABC Flight School got their Part 141 Private Pilot-ASEL curriculum approved under the new Part 141 requirements. ABC now want to dis-enroll their students from their old curriculum and enroll those same students in their new Part 141 Private Pilot-ASEL curriculum. Do these students get 50% credit or 100% credit?

**ANSWER:** Ref. § 141.77(c)(1); They get 100% credit; Section 141.77(c)(1) doesn't apply to students that stay within the SAME school. Section 141.77(c)(1) was designed and apply to students who are enrolled, as for example, in ABC Flight School's Part 141 Private Pilot-ASEL curriculum. The student quits ABC Flight School's and transfers to DEF Flight School's Part 141 Private Pilot-ASEL curriculum. If applicants stay within the same school, they receive 100% credit of their aeronautical experience that they possessed when they converted over to the new curriculum.

However a note of caution, make sure when you convert your students into the new curriculum that wherever you start that student (as for example you start him or her out in Lesson 17 of the new curriculum) that when that student completes the course, all of the training requirements were accomplished. As for example, under ABC Flight School's newly approved Private Pilot-ASEL curriculum, Lesson No. 11 requires a student to do a dual night cross country flight. This is the only lesson in the entire curriculum where this "dual night cross country flight" is required. But remember, the school started the student out at Lesson No. 17 and the old curriculum did not have a "dual night cross country flight." So what I am saying, make sure the student accomplishes this "dual night cross country flight."

{Q&A-141}

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**QUESTION:** During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

**ANSWER:** Ref. § 141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.

{Q&A-141}

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**QUESTION:** Under the new 141 regulations, a recent interpretation from our local FSDO was that any students not completed by August 4, 1998 would have to be transferred into a new syllabus for their certification. Their understanding is that we would only be allowed to transfer (allocate) up to 50% of their previous training towards the graduation requirements of the new syllabus. This means that even though a student is still training under the same Air Agency they would possibly lose time towards their graduation. Is this true? If they transfer credit from one syllabus to another under the same Air Agency certificate they should be able to transfer 100%.

**ANSWER:** Ref. 141.77(c)(1); These "intra-transfer" students can receive 100% credit if transferring out of a school's curriculum into the same school's other curriculum that is of the same kind of course and rating.

Section 141.77(c)(1) doesn't apply to "intra-transfer" students, because as the rule states ". . . conducted by the receiving school." This rule applies to a student that transfers from one school to an entirely different receiving school. Section 141.77 doesn't apply nor does any other rule within Part 141 address "intra-transfer" students. The term "intra-transfer" means students transferring within the same school of the same kind of course and rating. Intra-transfer" students can receive 100% credit.

However, when a school is transferring an "intra-transfer" student, that student must have completed ALL of the curriculum requirements of the curriculum the student is transferring into. For example, a "intra-transfer" student completes Lesson No. 11 of the University of Oklahoma's Private Pilot Certification Course-Airplane Single Engine Land. That student then transfer into the University's new Private Pilot Certification Course-Airplane Single Engine Land. The student is evaluated via a knowledge or proficiency test or both, as per § 141.77(c)(3), and it is determined to begin this "intra-transfer" student at Lesson 17 of the new Private Pilot Certification Course-Airplane Single Engine Land. However, in Lesson 15 of the old curriculum it required ground reference maneuvers to be performed. In the new curriculum ground reference maneuvers are required to be performed at Lesson No. 9. The school would be required to make sure the student accomplishes this required training prior certifying the student as course complete in the new curriculum requirements.

{Q&A-149}

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**QUESTION:** For the issuance of an Instrument rating without being in a concurrent Commercial curriculum do they have to meet the part 61 requirements for PIC X/C? If so could a student complete a Private and Instrument in only 70 hours total?

**ANSWER:** Ref. § 61.71(a); A person who applies for an instrument rating via graduating from a Part 141 curriculum do not have to meet the PIC cross country requirements of § 61.65(d)(1). Yes, this provision was intentional!

{Q&A-149}

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**QUESTION:** The situation is a student completes a school's Part 141 approved Private Pilot-Airplane Ground Course. Then that same student decides a year later to enroll in the same school's Part 141 approved Private Pilot-Airplane Flight Course. Does § 141.77(c)(1) allow this student to be given full credit for completion of the ground school or is the school restricted to only give him a maximum of only 50% credit when he enrolls in the flight portion of the Private Pilot Airplane course?

**ANSWER:** Ref. § 141.77(c)(1); The example you have cited and § 141.77(c)(1) have nothing to do with each other. Your example are apples and oranges apart. There is absolutely, no correlation whatsoever. § 141.77(c)(1) applies to a student who is enrolled at ABC Flight School, Inc. and then quits. He then enrolls in DEF Flight School, Inc. Both schools are Part 141 approved. In answer to your specific question, the answer is the student may be given 100% credit. The student is enrolled in the same school.

Now we've have heard of some Part 141 schools (that offer 4-year college degrees) have developed a ground and flight school course that was specifically designed to get a person interested in flying but the course was not Part 141 approved nor did the course lead to a person being allowed to take the Private Pilot-Airplane knowledge and practical test. In that case, since the ground school course is not Part 141 approved, then § 141.77(c)(2) would apply even though the applicant is dealing with the same school for both courses.  
{Q&A-59}

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## § 141.79 Flight training

**QUESTION:** For several years I have rotated my flight instructors' Part 141 annual proficiency checks from a single-engine fixed-gear airplane to a single-engine retractable-gear airplane to our FAA approved AST flight training device, and then I restart the cycle on the fourth year with the single-engine fixed-gear airplane.

We just completed our Part 141 FAA recertification inspection for our approved flight school. I was surprised when the POI called me the day after the inspection and said that the Long Beach (LGB) FSDO decided that it was illegal to conduct the instructors' annual proficiency check in the FTD.

§ 141.79(d) requires each instructor to receive an initial proficiency check in each aircraft that is used in the courses they are qualified to teach. Our FAA approved instrument rating course requires the use of both our FAA approved FTD and our airplanes, so I must do the initial proficiency check in the FTD as well as the airplane.

Why then, can I not do the annual proficiency check in the FTD every three years? I can certainly give the instructors a better instrument proficiency check in the FTD than I can in an airplane.

**ANSWER:** Ref. § 141.79(d)(2) and FAA Order 8700.1, Vol. 2, Chapter 141; page 141-8, paragraph 13. D.(1)(b); The recurrent proficiency checks must be performed ". . . in one of the aircraft . . ." [*emphasis added* "aircraft" not in an FTD]. This check must be performed in an aircraft.

Per FAA Order 8700.1, Vol. 2, Chapter 141; page 141-8, paragraph 13. D.(1)(b), the 12-month recurrency proficiency check must be a ". . . flight check . . ." which means it must be accomplished in an aircraft in flight.

Procedurally, the FAA requires that the chief instructor rotate the 12-month recurrency proficiency check between the different makes and models of aircraft that a flight instructor is authorized to conduct flight training in.

As to why § 141.79(d)(2) and FAA Order 8700.1 doesn't provide for use of an FTD to perform the 12-month recurrency proficiency check in, I think it is safe to assume that is because when § 141.79(d)(2) and Part 141 were established back in 1960, FTDs were seldom used in pilot training back then. FTD didn't really become that widely used under Part 141 training courses until the early 1990s. And even today, the majority of the training under Part 141 is accomplished in an aircraft.

{Q&A-602}

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**QUESTION:** A chief or assistant chief instructor is certified by a FSDO today. Would that individual have 12 calendar months from today to comply with 14 CFR § 141.79(c) by attending a FIRC or other suitable training or

would that individual have to complete that training before the certification or before being in compliance with that regulation?

ANSWER: Ref. § 141.79(c); The chief instructor/assistant chief instructor only needs to complete, “. . . at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course.” The rule does not require completion of a FIRC as a prerequisite for designation as a chief instructor and assistant chief instructor.

Per § 141.79(c), the rule requires that the Chief Instructor and Assistant Chief Instructor attend a FIRC at least once every 12 calendar months. So, once the FAA conducts the initial qualification check of the chief instructor (*see* § 141.35) or the assistant chief instructor (*see* § 141.36), they “. . . must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course. . . .”

{Q&A 594}

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QUESTION: I also have a question concerning § 141.79(d)(1)(ii) with regard to make and model. If an initial proficiency check is conducted in a Cessna 172M, does that proficiency check enable the instructor to also provide instruction in the following “172s”? 172N, 172P, 172R, 172SP, 172XP, etc. All are “Cessna 172s” with a fixed gear.

ANSWER: Ref. § 141.79(d)(1)(ii); An initial proficiency check in any of the makes (*i.e.*, Cessna) and models (*i.e.*, 172) qualifies the person to give flight training in the other series (*i.e.*, N, P, R, SP, XP) of Cessna 172.

{Q&A-575}

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QUESTION: Does completion of a FIRC by video or internet meet the requirements of 141.79(c)? Or does the chief / assistant chief instructor have to physically attend a FIRC?

ANSWER: Ref. § 141.79(c) and FAA Order 8700.1, Vol. 2, page 143-3, paragraph 11.D.; Per FAA Order 8700.1, Vol. 2, page 143-3, paragraph 11.D.(2), Completion of a FIRC by video or Internet meets the requirements of § 141.79(c), provided the jurisdictional FSDO for your school has approved the course of training for you as the chief instructor/assistant chief instructor. But again, the school has to receive approval from the school's jurisdictional FSDO for its chief instructor/assistant chief instructor to attend a FIRC that is presented by video or Internet. The jurisdictional FSDO will review the content of the FIRC for meeting the requirements § 141.79(c). The jurisdictional FSDO will review the course of training for content to ensure the course includes at least training on the following:

- Teaching methods and applicable provisions of the Aeronautical Information Manual.
- The rules of Parts 61, 91, and 141.
- General discussion of the course(s) of training that the chief/assistant instructor are assigned to include training standards, objectives, and completion standards.
- The use and understanding of the training aids in the course(s) of training that the chief/assistant instructor are assigned to.

{Q&A-573}

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QUESTION: I am assigned as a POI for a Part 141 pilot school that has an approved Flight Instructor – Airplane Single Engine Course. As per Part 141, appendix F, paragraph 4.(c)(1)(xi), it requires the course contain flight training on slow flight, stalls, and spins. The school has requested that it be permitted to contract to the other school and that other school's instructors to perform the spin training. The school has also requested that it be permitted to contract to the other school for use of that other school's single engine airplane that is approved for performing spin training. What revision to the pilot school's approved course must be done and what procedures must be followed to permit the school to contract the spin training to the that other school?

ANSWER: Ref. § 141.55(c)(5) and § 141.79(d); First, the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training must

revise their approved course to include the description of the type of aircraft including any special equipment used for the spin phase of the training. [See § 141.55(c)(5)]

Secondly, the chief instructor or assistant chief instructor or check instructor from the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training must administer initial and recurrent checks to those flight instructors from that other school who will be providing the spin training. [See § 141.79(d)(1) and (2)].

Or, if this is a possibility, the other choice would be for the pilot school that has the approved Flight Instructor – Airplane Single Engine Course and that is requesting to contract out the flight training for the spin training to just use their own flight instructors and contract for use of the other school's airplane. Then, the school would only need to revise their approved course to include the description of the type of aircraft including any special equipment used for the spin phase of the training.

{Q&A-561}

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**QUESTION:** A school hires a CFI and accomplishes the required review and briefing and the initial proficiency checks required by § 141.79 (d)(1)(i-ii) for a private and commercial course in a C152 and C172. Later the new CFI obtains their CFII. The school uses C172s for the Instrument course. If a review and briefing are accomplished as per § 141.79 (d)(1)(i), must another flight be performed in a C172 prior to the CFII receiving authorization to train students? The instructor has previously demonstrated proficiency in the C172.

**ANSWER:** Ref. § 141.79(d)(1)(ii) and § 141.79(d)(1)(i); The answer is no, the flight instructor would not need to take another proficiency check in the C-172. He/she already accomplished an “. . . initial proficiency check . . .” in the C-172.

The flight instructor would need to accomplish a review of and receive a briefing on the objectives and standards of the Instrument Rating course before being allowed to train student in that course [as per § 141.79(d)(1)(i)].

{Q&A-470}

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**QUESTION:** Section 141.79(d)(1)(ii) refers to each make and model. Why not recognize the similarities of makes and models and use a concept like 135's concept of families of aircraft.

**ANSWER:** Ref. § 141.79(d)(1)(ii); During the rewrite of Part 141, that concept was never recommended nor considered. The FAA rulemaking team just never considered it. However, I do agree this concept may have some merit and I will discuss it with our AFS-800 managers.

{Q&A-435}

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**QUESTION:** Per § 141.79, does a Chief Instructor that is going to be an active “line instructor” in the course have to get a proficiency and knowledge test from someone?

**ANSWER:** Ref. § 141.79(d)(1) and (2); If a chief instructor is acting as an active line instructor in the school, the initial proficiency check and recurrent proficiency checks of the chief instructor should be conducted by the FAA's assigned ASI/POI. My answer to this question is a common sense approach to this situation. There is no regulatory requirement or Flight Standards policy in FAA Order 8700.1 to address this situation. But the answer is the only reasonable answer to this question. The school's assigned ASI/POI should conduct the initial proficiency check and the 12 month recurrent proficiency check of a chief instructor who is also acting as a line instructor in the school.

{Q&A-401}

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**QUESTION:** I have a Chief Flight Instructor (CFI) for a Part 141 approved school that provides helicopter training in the Minneapolis area. This CFI is also a designated rotorcraft pilot examiner. (He recently received an upgrade to authorize him ATP checks). He is also an active 135 helicopter pilot.

This CFI wants to know if the annual Part 135 training he just received can qualify for the annual training for 141 chief flight instructors, as required by 141.79(c). That sounds like a bit of a stretch to me, but it got me thinking. If his 135 training doesn't suffice, how about his annual attendance at the DPE seminar or the FAA observed check he just completed to add ATP to his examining authorization.

**ANSWER:** Ref. § 141.79(c); Let me see if I understand your question. You're asking if a person who completes an annual 135 training program whether this can also qualify for completion of an annual Part 141 chief flight instructors training requirements, as required by § 141.79(c). Is that what you're asking?

Well, I can assure you that § 141.79(c) doesn't address this issue. Nor does FAA Order 8700.1 address it. Section 141.79(c) merely states "Each chief instructor and assistant chief instructor assigned to a training course must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course."

Knowing the required training contents of a Part 135 PIC training program and knowing what is expected of a Part 141 chief instructor and assistant chief instructor approved syllabus, I don't see how these training programs would ever suffice for one another. The Part 141 chief instructor and assistant chief instructor approved syllabus should address those areas covered in FAA Order 8700.1, page 143-1, paragraph 7.C.(3) and (4). And I know a Part 135 PIC approved training program doesn't covers those subject areas.

So I agree, to attempt to say satisfying a Part 135 training program can suffice for a Part 141 chief instructor and assistant chief instructor approved syllabus is just A WEE BIT OF A STRETCH!

So the answer is no, completion of an annual Part 135 PIC training program will not suffice for the annual Part 141 chief flight instructor training requirements or vice versa.

{Q&A-284}

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**QUESTION:** The Dallas SW05 District Office supports one flight instructor workshop monthly in our district. The CFI renewal based on attendance of at least eight meetings (16 hours) prior to renewal has been received favorably. Several Chief Flight Instructors from 141 Certificated Flight Schools also attend these workshops on a regular basis.

This question has been presented to me, "Can these workshops be counted in lieu of the annual FIRC for 141 Chief Flight Instructors?"

Additionally, and a follow-up question, a CFI renewal based on attendance at these SW05 District Office flight instructor workshop monthly meetings can their flight instructor certificates be renewed on the basis of "acquaintance?"

**ANSWER:** Ref. § 141.79(c) and § 61.197(a)(2)(ii); The answer is yes, a FSDO may accept a Part 141 Chief and Assistant Chief Instructor's attendance and SATISFACTORY PERFORMANCE at SW FSDO5's workshops as meeting the requirements of § 141.79(c). Section 141.79(c) is silent on the specifics of this issue, and it only states "Each chief instructor and assistant chief instructor assigned to a training course must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course."

However, I must tell you that I become quite sensitive when I hear the often stated general remark about "renewing a flight instructor certificate on the basis of acquaintance." NOT TRUE. No place in the rule [§ 61.197] nor in FAA Order 8700.1 does it state that a person's flight instructor certificate may be renewed merely on the basis of ACQUAINTANCE. Only on the back of FAA Form 8710-1 does it erroneously mention the word ACQUAINTANCE. Hopefully that is going to change in the near future when we change FAA Form 8710-1. In reviewing § 61.197(a)(2)(i), it reads "A record of training . . ." and paragraph (ii) reads "A record showing . . ." Never does it mention the word ACQUAINTANCE. And in § 61.197(a)(2)(iii) it requires a flight instructor to attend a FIRC.

I want to emphasize that you should not consider SW FSDO 5's workshops as meeting the requirements of § 61.197(a)(2)(iii). Because those workshops are not an approved Flight Instructor Refresher Clinic. I know it wasn't said, but it appears your question may have been implying it? If a flight instructor is being renewed by attending SW FSDO 5's monthly workshops then the renewal is being accomplished in accordance with § 61.197(a)(2)(ii) as the FSDO would have personal knowledge of the flight instructor applicant's ability and SATISFACTORY PERFORMANCE at the workshop as a flight instructor, as in the provision of ". . . in a position involving the regular evaluation of pilots . . ." [i.e., § 61.197(a)(2)(ii)].

{Q&A-264}

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**QUESTION:** After initial qualification, it states in § 141.79(d)(2), in pertinent part, “. . . accomplish a recurrent proficiency check in one of the aircraft in which the person trains students.” Emphasis on “. . . in one of the aircraft . . .” Does this mean if an instructor teaches in 3 different courses and 3 different categories of aircraft are used in those different courses that the instructor only needs to perform a recurrent proficiency check in one of the aircraft?

**ANSWER:** Ref. § 141.79(d)(2); Just like it says in § 141.79(d)(2), “. . . in one of the aircraft . . .” Now for the recurrent proficiency check, the school should rotate each year the different aircraft that the instructor takes the recurrent proficiency check in. As for example, if the instructor provides instruction in the C-152 for the school’s approved “Private Pilot Certification Course-ASEL rating”, the C-310 for the “Add-on Airplane Multiengine Land Rating Course” and the R-22 for the Private Pilot Certification Course-Helicopter Rating then the recurrent proficiency checks should be done one year in the C-152, the next year in the C-310, and the year after in the R-22 and then you start all over again. However, each year the recurrent proficiency check should consist of some oral questioning and discussion on each of the training courses the instructor provides training in (e.g., oral questioning and discussion on the “Private Pilot Certification Course-ASEL rating”, “Add-on Airplane Multiengine Land Rating Course,” and “Private Pilot Certification Course-Helicopter Rating”).  
{Q&A-247}

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**QUESTION:** Does the requirement for a flight instructor to be administered the 12-month proficiency flight instructor check of § 141.79(d)(2) also apply to the Chief Flight Instructor (CFI)? To the Assistant Chief Flight Instructor (A-CFI)?

**ANSWER:** Ref. § 141.79(d)(2); First of all there is no written guidance on this question in FAA Order 8700.1. Nor has the FAA ever established any written policy guidance on this question. However, in checking your question out within AFS-840 and with the FAA Aeronautical Academy, the positions of CFI and A-CFI have in the past been treated as management positions, as in the case of the larger flight schools. However, § 141.79(d)(2) does not preclude a FSDO from requiring a CFI and A-CFI to comply with the 12 month proficiency flight instructor check of § 141.79(d)(2). In fact, if the CFI and A-CFI is actively participating in training and signing off students in the school’s Part 141 approved course, then it may be acceptable for a FSDO to require the CFI and A-CFI to undergo the 12 month proficiency flight instructor check of § 141.79(d)(2). Or the FSDO may require during their normal course of re-occurring surveillance of the school and its CFI and A-CFI to require some showing of flight instructor proficiency by the CFI and A-CFI. However, if the CFI and A-CFI are “management types,” as is the case in the larger Part 141 schools (i.e., Embry Riddle Aeronautical University, University of North Dakota, etc.) then requiring the CFI and A-CFI to comply with just the annual training requirements of § 141.79(c) is also acceptable. However, the FSDO has the discretion to either accept the CFI’s and A-CFI’s accomplishment of the annual training requirements of § 141.79(c) or the FSDO may further require the CFI and A-CFI to undergo the 12-month proficiency flight instructor check that is required of the flight instructors in the course.

In summary, § 141.79(d)(2) does not require a 12-month proficiency flight instructor check of the CFI and A-CFI nor does it prevent it. It’s at the discretion of the FSDO and when considering the roll that the CFI and A-CFI functions at the school.  
{Q&A-251}

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**QUESTION:** Per requires the chief instructor, and assistant chief instructor, to complete an approved syllabus of training (ground and flight) or an approved FIRC every 12 months. I’m curious about the “approved syllabus of training” part and what it might contain for these chief instructors. Would this be something done locally at the school and approved by the FSDO office, or is it more national in scope? Are there any approved schools that have their own programs? Where would we go to find this information? Has the FAA provided any guidance on the make-up of these programs?

**ANSWER:** Ref. § 141.79(c) and FAA Order 8700.1, Vol. 2, page 143-3; The only written guidance that we have on this issue is addressed on page 143-3 of FAA Order 8700.1. Other than that, AFS-840 has never put out any written guidance on this issue. I can’t ever remember being asked that question. But in answer to your question, yes individual schools can develop their own recurrent training for their own chief and assistant chief instructors. Individual schools do not have to send their chief and assistant chief instructors to attend a Flight Instructor Refresher Clinic (FIRC) like the one you all put on. Individual schools may submit their own course to their FSDO for approval. As it states in Order 8700.1, chief and assistant chief instructors who are also FAA Designated Pilot Examiners may count their yearly examiner standardization course as meeting the requirements of § 141.79(c).

However if this is not the case, then we would expect the submitted courses to follow closely the course contents of a FIRC. Also, it is acceptable for a school to include in its submitted curriculum the time spent by the school's chief instructor on regularly scheduled standardization meetings with the school's instructor staff.

{Q&A-55}

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## § 141.83 Quality of training

**QUESTION:** Under § 141.83(d), when the FAA administers a stage check or end-of-course test under a pilot school's Part 141 approved course, who assumes responsibility of being the PIC during the check/test? Would it be the FAA Inspector or the student pilot?

**ANSWER:** Ref. § 61.47(b); and FAA Order 8700.1, Vol. 2, Chapter 1, Section 2, page 1-3, paragraph 1.A.(1). Per FAA Order 8700.1, Vol. 2, Chapter 1, Section 2, page 1-3, paragraph 1.A.(1), the order states that an FAA Inspector would not be the PIC. And per § 61.47(b), the rule also states an FAA Inspector would not be the PIC.

However, in reality, don't count on it if the matter ever gets into civil court! And especially if it comes down to a judge or jury deciding whether the FAA ASI or the student pilot was the PIC during the check/test. I would think a judge and jury would look very seriously at the FAA ASI being the PIC because of the FAA ASI's superior qualifications, flight experience, and credentials.

{Q&A-580}

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**QUESTION:** Can anything be done about a satellite base that is showing poor training results (well under 80% first time pass rate) if the school as a whole (the main base and all satellites combined) is above the 80% mark? Is there any authority to disapprove the satellite base if all factors other than training quality are properly in place?

**ANSWER:** Ref. § 141.83(a)(2) and (b) and FAA Order 8700.1, chapter 141, page 141-11, paragraph 19.A.(3)(b); Yes, a satellite base whose pass rate falls below the 80% level ". . . may be the basis for suspending or revoking that school's certificate." Emphasis added, ". . . may. . ." However, it is not mandatory to suspend or revoke a school's certificate. The POI may elect to do a number of other options to help turn the school around. In a previously answered Q&A (i.e., Q&A 376), I stated:

*"As for example, a more proper course of action that the FAA "MAY" take is to provide some effective leadership and begin consultations with the school's chief instructor and management personnel to figure out a way to increase the school's quality of training pass rate. Or the FAA "MAY" want to begin riding along on some of the training flights to take a pro-active involvement in the school's training to find ways to improve the school's quality of training pass rate. Or the FAA "MAY" want to make a recommendation to the school's management team to make a change to their training course to put more emphasis in an area of operation where the school's students are showing unsatisfactory performance. Again the word "MAY" in § 141.83(b) in the phrase ". . . may be the basis for suspending or revoking that school's certificate . . ." does not reflect a mandatory requirement. However, the FAA "MAY" elect to suspend or revoke that school's certificate. Each situation is different, and what is mandatory is that our ASI workforce take the appropriate action given the situation at hand. If a school reflects an uncooperative and unprofessional attitude, then the FAA "MAY" elect to suspend or revoke the school's certificate."*

{Q&A-480}

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**QUESTION:** If a school fails to meet the 80% quality of training pass rate [emphasis added "quality of training"] for renewal of their school certificate, how long does the school have to wait before being allowed to apply for a provisional school certificate.

**ANSWER:** Ref. § 141.83(b) and § 141.27(a)(2) and (3); FAA Order 8700.1, chapter 141, page 141-11, paragraph 19.A.(3)(b); In your question, you stated the school failed to meet the 80% quality of training pass rate. Per § 141.83(b), failure of a school to meet the 80% quality of training pass rate ". . . may be the basis for suspending or revoking that school's certificate." And the word "MAY" does not reflect a mandatory requirement but is just one of the possibilities at the disposal of the FAA to correct a school's quality of training pass rate. As for example, a more proper course of action that the FAA "MAY" take is to provide some effective leadership and begin consultations with the school's chief instructor and management personnel to figure out a way to increase the

school's quality of training pass rate. Or the FAA "MAY" want to begin riding along on some of the training flights to take a pro-active involvement in the school's training to find ways to improve the school's quality of training pass rate. Or the FAA "MAY" want to make a recommendation to the school's management team to make a change to their training course to put more emphasis in an area of operation where the school's students are showing unsatisfactory performance. Again the word "MAY" in § 141.83(b) in the phrase "... may be the basis for suspending or revoking that school's certificate ..." does not reflect a mandatory requirement. However, the FAA "MAY" elect to suspend or revoke that school's certificate. Each situation is different, and what is mandatory is that our ASI workforce take the appropriate action given the situation at hand. If a school reflects an uncooperative and unprofessional attitude, then the FAA "MAY" elect to suspend or revoke the school's certificate.

Now even though FAA Order 8700.1, chapter 141, page 141-11, paragraph 19.A.(3)(b) is hopelessly out of date (at times I even hate to mention FAA Order 8700.1 anymore as a source because it is out of date) but paragraph (b) states "If after another renewal period (24 calendar months) the school still does not meet the requirements of FAR § 141.5(b) [meaning the now existing § 141.5(d)], the school must wait a period of 6 months before reapplying for certification as a provisional school."

Now per § 141.27(a)(3) which states "... A former provisional pilot school may apply for another provisional pilot school certificate, provided 180 days have elapsed since its last provisional pilot school certificate expired." However, your question involved a holder of a pilot school certificate (not a holder of a provisional school certificate). So, if the FAA decides to suspend or revoke the school's certificate because a pilot school fails to meet the 80% quality of training pass rate, the school, per § 141.27(a)(3), may then apply immediately for a provisional school certificate. However, per § 141.83(b) [i.e., "... may be the basis for suspending or revoking that school's certificate ..."] suspension or revocation of the school certificate is not always mandatory and judgement would say if the school's quality of training pass rate is below the required 80%, it may be more prudent to handle the matter in one of the alternative ways previously mentioned above instead of immediately issuing the school a provisional school certificate.

However, before we the FAA decide to suspend or revoke a school's certificate, read the following philosophy and opinions about this issue:

As it states in § 141.5(d) [i.e., "... Has trained and recommended for pilot certification and rating tests, ... at least 10 students ... and at least 80 percent of all tests administered were passed on the first attempt"], if a school meets these requirements [and also paragraphs (a), (b), and (c) of § 141.5], that school may be issued a "pilot school certificate". As per § 141.5(d), if a school does not meet both the quantity or the quality requirements it cannot be issued a "pilot school certificate". If he does not meet the provisions of § 141.5(d) we can use the provisions of § 141.7 for the issuance of a "provisional pilot school certificate." In reading the provision of § 141.7 and specifically the phrase "... but does not meet the recent training activity requirements of § 141.5(d) of this part, may be issued a provisional pilot school certificate with ratings ..." {Emphasis added "... recent training activity requirements ..."} As the words "... recent training activity requirements ..." state it means training activity and not quality of training. This provision relates strictly to the number of recommendations the school has produced in the previous period (i.e., training activity). If the school we are renewing simply has very little training activity, (i.e. less than 10 students), the rule permits the renewal but at the provisional school level. The failure of the school to maintain the required quality of training (i.e., "... at least 80 percent of all tests administered were passed on the first attempt") should be and is a different consideration. This "quality of training" requirement is very clearly established in § 141.83(a)(2) [i.e., ... "Provide training of such quality that meets the requirements of § 141.5(d) of this part."] The way § 141.83(a)(2) is worded reads requires that the quality of training requirements must be met at all times which also means during and for the process of renewal. I also believe the way § 141.83(b) is worded [i.e., "... may be the basis for suspending or revoking ..."] provides the flexibility for FSDO to take a course of action other than suspending or revoking, but "MAY" provide for the suspending or revoking the certificate, if the FSDO deems it necessary.

A school that has a history of poor quality and fails to meet the quality of training requirements of § 141.5(d), as addressed in § 141.83, "MAY" be the basis for suspending or revoking the school's certificate. However, the training activity requirement of § 141.5(d) of having trained and recommended for pilot certification and rating tests of "... at least 10 students ..." must be met at all times. In applying this to a school renewal scenario, a school applies for renewal and the FSDO determines the quality of training pass rate is below the 80% criteria. In accordance with § 141.83(b), a FSDO "MAY" initiate an action to suspend or revoke the school certificate,

but it is not mandatory that the FSDO suspend or revoke the school's certificate merely on the basis of the quality of training pass rate. Only the training activity (i.e., "... at least 10 students ...") requires that. With the concurrence of FSDO management, the renewal process "MAY" or may not be terminated. On the other hand, the latitude of § 141.83(b) permits the FSDO to proceed with the renewal process, if the school shows positive actions that will likely improve the quality of training to the 80% acceptable level. Section 141.83(b) provides flexibility [i.e., "(b) The failure of a pilot school or provisional pilot school to maintain the quality of training specified in paragraph (a) of this section may be the basis for suspending or revoking that school's certificate"] by the use of the term "... may be ..." as compared to the use of word "shall." By applying the requirements and provisions of § 141.83, which include using whatever flexibility is available to the FSDO including requiring changes to the school's approved course of training, changes to the training of the instructors who teach the course, etc. that can be expected to positively effect the quality of training, the renewal process could continue.

The intent of allowing training under Part 141 is to encourage a more structured training environment. The intent for encouraging training under Part 141 is to provide both quality of training and level of activity. It is not appropriate in the interest of safety or the intent of § 141.7 or § 141.27(a)(3) to allow an immediate issuance of a provisional school certificate when this former school's quality of training measurement falls below 80%, without requiring some changes or improvements in the quality of training. With the wording of § 141.83(b) [i.e., "... may be the basis for suspending or revoking that school's certificate ..."], gives us the ability and the authority to influence quality of training within that school.

{Q&A-376}

## § 141.85 Chief instructor responsibilities

QUESTION: I have a Part 141 pilot school that has a chief instructor for its Instrument Airplane Rating Course. The pilot school has a different chief instructor for its Private Pilot Airplane Single Engine Land Certification Course. The pilot school has no assistant chief instructors. When the chief instructor for its Private Pilot Airplane Single Engine Land Certification Course is not available, must all training in that course cease? Or can the chief instructor for its Instrument Airplane Rating Course be delegated to act on behalf of the chief instructor for its Private Pilot Airplane Single Engine Land Certification Course?

ANSWER: Ref. § 141.85(b) and FAA Order 8700.1, pages 143-2 and 143-3, paragraph 11.B. and C.(4): No, training in the Private Pilot Airplane Single Engine Land Certification Course would not need to be terminated if the chief instructor of the Instrument Airplane Rating Course was delegated to act on behalf of the chief instructor of the Private Pilot Airplane Single Engine Land Certification Course. In fact, the chief instructor may delegate his/her duties to a senior instructor in the Private Pilot Airplane Single Engine Land Certification Course in order that training can still be given when the chief flight instructor is absent.

Per FAA Order 8700.1, page 143-2, paragraph 11.B. "... The chief flight instructor may delegate duties to the assistant chief flight instructor or another appropriate, qualified instructor. . . . Delegation of duties ensures that instruction can still be given in a course of training when the chief flight instructor is absent. When the duties of the chief flight instructor are delegated, a written record should be made. The written record should be specific enough so that the duties delegated, the person to whom they are delegated, and the duration of the delegation are clearly understood. In accordance with the provisions of FAR § 141.79(d), only the chief flight instructor may conduct an annual flight check of flight instructors assigned to approved courses of training."

Per FAA Order 8700.1, page 143-3, paragraph C.(4) it states, in pertinent part, "... The chief flight instructor may either delegate duties to the assistant chief flight instructor or another appropriate, qualified instructor ..."

Emphasis added: "... or another appropriate, qualified instructor ..."

{Q&A-629}

QUESTION: Per § 141.85(a)(2), it requires that the chief flight instructor conduct a proficiency check on each instructor every 12 calendar months. And per § 141.79(d)(2), it requires each instructor who is assigned instructing duties pass a proficiency check every 12-calendar months. What happens if the instructor is unable to accomplish the required proficiency check at the 12<sup>th</sup> calendar month duration? Wouldn't it require that the instructor be

required to accomplish all the initial proficiency checks in each make and model of aircraft used in the training course?

**ANSWER:** Ref. § 141.85(a)(2) and § 141.79(d)(1)(ii) and (2); An instructor who doesn't accomplish the recurrent proficiency check within the 12 calendar month duration would not be required to accomplish initial proficiency checks again in all the other makes and model of aircraft. The rule doesn't require that. Per § 141.79(d)(2), it just requires the instructor to pass a recurrent proficiency check every 12 calendar months after the month in which the initial test was accomplished. If an instructor has not passed the recurrent proficiency check within that 12 calendar month duration, then that instructor must cease giving training in the training course until he/she does pass the recurrent proficiency check.

{Q&A-580}

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**QUESTION:** Please comment on chief/assistant chief instructor's "... availability ..." in § 141.85(b).

**ANSWER:** Ref. § 141.85(b); My answer to this question is previously covered in Q&A 36

"In developing this final rule [§ 141.85(b)], we deliberately intended to liberalize the word "available" to conform with Part 141 schools' actual practices. As many schools that voiced support for this change, they commented that it was not realistic nor common practice to expect a chief instructor to stay physically located at the school when considering the advancement of communication technologies. So we deliberately broadened the rule to permit the usage of today's communication technologies. However, as in accordance with Order 8700.1, page 143-3, paragraph (4), it states, in pertinent part, "In event that the chief instructor is unavailable for consultation, training in relation to the chief instructor's responsibilities must cease until that chief instructor returns, unless these duties have been delegated." So if consultations were needed with the chief instructor that involved a serious safety matter concerning the operation of the school, then "training . . . must cease until that chief instructor returns, unless these duties have been delegated." However, if the consultation with the chief instructor is needed but the matter did not involve a serious safety matter concerning the operation of the school, then it would be AFS-840's policy to say the scenario you quoted would be in compliance § 141.85(b). However, since this rule is not written specifically enough to qualify the intent of the word "available" it would require a legal determination by an NTSB Law Judge."

{Q&A-401}

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**QUESTION:** §§ 141.33(d), 141.37(b)(1), and 141.85 (c) specifically refer to the duties the assistant and check instructor are authorized to perform: (1) conducting stage checks, (2) end-of-course tests, and (3) flight instructor proficiency checks. Is this a limitation, or are the policies contained in the 8700.1, Vol. 2, Chap 143, Section 11(B) still applicable, (i.e., other duties such as the certification of training records)?

Can the Assistant Chief Instructor at a school's satellite, for example, certify the training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion, and application of a student from that facility, or must these records be certified only by the Chief Instructor located in West Chicago, Illinois as specified by §§ 141.85(a)(1) and 141.95(b)(6)?

**ANSWER:** Ref. § 141.85(c); Yes, the Assistant Chief Instructor can perform those functions and duties, provided the Chief Instructor has delegated it to him. The rationale here is that these rules were never intended to restrict the assignment of function and duties to the Assistant Chief Instructor, nor was it ever the intent for these rules to conflict with the provisions of FAA Order 8700.1. An Assistant Chief Instructor at a satellite base may perform those functions and duties, as delegated by the school's Chief Instructor.

You've recognized the problem of trying to write an exhaustive list of delegated responsibilities and duties when I should have just written § 141.85(c) to state:

"The Chief Instructor may delegate duties and functions to the school's Assistant Chief Instructor but not responsibilities."

That is the way it should have been written and I wish I had written it that way. I know I'd have less trouble explaining myself today. Well as the old saying goes, "you live and learn." But keep in mind, even though duties and functions can be delegated, the responsibility for ensuring those duties and functions are accomplished still belong to the Chief Instructor. He cannot delegate his responsibility!

The Chief Instructor position is primarily a management position. Chief Instructors cannot delegate their responsibilities for maintaining the school's training techniques, procedures, and standards. But they can delegate functions and duties to their Assistant Chief Instructors and Check Instructors!  
{Q&A-195}

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**QUESTION:** Along similar lines, "School ABC" also holds examining authority. FAA Order 8700.1, Vol. 2, Chapter 146, section 13(B)(1) states that the Chief Instructor for the examining authority course must enter a recommendation on the reverse of the 8710-1 form. Can the Assistant Chief Instructor for each satellite enter the recommendation instead of the Chief Instructor?

**ANSWER:** Yes, the Assistant Chief Instructor can perform this function provided the Chief Instructor has delegated that function to his Assistant Chief Instructor. The rules were never intended to restrict the assignment of duties and functions to the Assistant Chief Instructor, nor were the rules intended to conflict with the provisions of FAA Order 8700.1. An Assistant Chief Instructor at a satellite base may perform those duties and functions, as delegated by the school's Chief Instructor.

However, as a matter of clarification, the "Airman Certificate and/or Rating Application," FAA Form 8710-1 shall be signed by the recommending flight instructor. The graduation certificate should be signed by the Chief Instructor, or by the Assistant Chief Instructor if that function has been delegated to the Assistant Chief Instructor by the Chief Instructor.

{Q&A-195}

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**QUESTION:** Although § 141.37(a)(2)(iv) allows the assistant chief instructor to give a proficiency test to a prospective check instructor relating to a flight training course, § 141.37(a)(1) states specifically, that to be designated as a check instructor relating either to flight or ground training, the person must pass a test given by the chief instructor on teaching methods, the AIM, etc. Can this test given by the chief instructor be in written form, or must the candidate from Dallas, Texas, for example, travel to Chicago to take the test from the chief instructor? Better yet, can the assistant chief instructor for the Dallas satellite administer the test for the chief instructor?

**ANSWER:** Ref. § 141.85; The entire test can be conducted by an Assistant Chief Instructor or even to another Check Instructor, provided that function has been delegated to the school's Assistant Chief Instructor or Check Instructor by the Chief Instructor. Section 141.85 was not intended to be restrictive in delegating duties and functions. It would not make sense to require every instructor or the Chief Instructor to travel between Chicago and Dallas to conduct these tests. However, keep in mind as I stated earlier, ". . . duties and functions can be delegated, but responsibility for ensuring these duties and functions are accomplished still belong to the Chief Instructor. You cannot delegate responsibility!"

{Q&A-195}

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**QUESTION:** Can the assistant and/or the check instructor at each satellite give the proficiency test or knowledge test, or both, to a student seeking credit towards the curriculum requirements?

**ANSWER:** Ref. § 141.85; Absolutely, an Assistant Chief Instructor and/or the Check Instructor at a satellite school can give the proficiency test or knowledge test, or both, to a student seeking credit towards the curriculum requirements. The reason this is so is because it was never the intent of § 141.85 or FAA Order 8700.1 to restrict the Assistant Chief Instructor and/or the Check Instructor from performing delegated duties and functions, as assigned by the Chief Instructor.

{Q&A-195}

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**QUESTION:** As the preamble to Part 141 states, "The FAA proposed to revise § 141.85 to clarify that the chief instructor serves in a supervisory role at the pilot school." The new regulations have changed some of the duties of the chief instructor from "conducting" certain checks and tests to "ensuring" that they are accomplished. But if indeed, only the "stage checks, end-of-course tests, and flight instructor proficiency checks" can be delegated, then the new regulations have actually increased the chief instructor's burden rather than decrease it. In a situation such as "School ABC", where over a dozen satellite bases are scattered throughout the country, each Assistant Chief Instructor needs basically the same authority to receive and delegate some of the responsibilities (certifying training

records, etc.) entitled to the Chief Instructor. In this capacity, the Chief Instructor could truly serve in a more supervisory role as intended in the preamble.

**ANSWER:** Ref. § 141.85; The Assistant Chief Instructor can perform functions and/or duties that the Chief Instructor has delegated to his Assistant Chief Instructor. The Chief Instructor position is primarily a management position. Chief Instructors cannot delegate their responsibilities for maintaining the school's training techniques, procedures, and standards, but they can delegate functions and duties to their Assistant Chief Instructors and Check Instructors.

{Q&A-195}

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**QUESTION:** In the § 141.85(b), how broadly do we interpret the provisions "available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means." As an example, a chief instructor is an airline pilot and is on a scheduled flight. The school calls the chief instructor on his beeper and an hour and a half later after he lands in Los Angeles he calls back to the school. Is that scenario in compliance with the provisions of § 141.85(b). Section 141.85(b) states:

(b) The chief instructor or designated assistant chief instructor shall be available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means during the time that instruction is given for an approved course of training.

This is the discussion that was contained in the Part 61 and 141 NPRM No. 89-14 - Phase 1 that was issued in the Federal Register on May 26, 1989.

Section 141.85(b) presently requires that the chief or assistant chief flight instructor be available at the school's base of operations during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief flight instructors or their assistants during the time that instruction is given for an approved course of training at Part 141 schools.

During the public hearings for this regulatory review, it was suggested by some participants that, in practice, it was unrealistic to expect a chief flight instructor to be present at the school whenever flight instruction is being given. They noted the difficulty in having a chief flight instructor and assistant chief flight instructor available to cover all possible times of flight instruction. Furthermore, to require more personnel, in addition to the chief or assistant chief flight instructor, who would meet the requirements of the current § 141.35, would place a significant burden on the pilot school and is similarly unrealistic. One participant in the hearings stated that special need for the chief or assistant chief flight instructor arises only in unusual circumstances, and that usually they did not have to be physically located at the base of operations because availability by telephone normally suffices. Other participants stated that they see chief flight instructor availability as meaning on duty at or near the airport, in an aircraft in the local flying area, or reachable by radio or telephone.

The FAA believes that chief and assistant chief flight instructors can indeed be readily available for supervisory purposes without necessarily being physically present at the school. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) would serve to define more clearly the chief flight instructor's role as supervisory, and not require the chief flight instructor's physical presence at all times that instruction is being given. A person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety.

This is the discussion that was contained in the Part 61 and 141 Final Rule - Phase 1 that was issued in the Federal Register on March 15, 1991.

NPRM No. 89-14 proposed modifications to §§ 141.35 and 141.85 to define more clearly the supervisory role of chief instructors and to clarify the requirement for chief instructor availability during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief instructors or their assistants at Part 141 schools. The FAA believes that a person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety. These changes were intended to reconcile potential conflicts in chief instructor duties while maintaining stringent standards for designating chief instructors under Part 141.

A total of 17 comments were received on the proposal to clarify chief instructor availability requirements to include electronic means. All comments, including those from principal organizations, indicated overwhelming acceptance of this proposed amendment. Comments cite the elimination of an undue burden on industry and the use of modern communications to allow easy contact with the chief and assistant chief instructor if needed. AOPA and EAA agree that someone of authority should be available at all times when flight instruction is in progress, but physical on-site availability is unnecessary. ERAU stated that chief instructor availability through electronic means will adequately cover any situation in which direct involvement becomes necessary.

This final rule changes §§ 141.35 and 141.85(b) to clarify the availability of the chief and assistant chief instructor to include electronic means. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) serves to define more clearly the chief instructor's role as supervisory, rather than requiring the chief instructor's physical presence at all times during which instruction is being given. This change is designed to enhance efficiency and align the FAR with FAA policy as expressed in FAA Order 8710.5 and Advisory Circular 141-1.

**ANSWER:** Ref. § 141.85(b); In developing this final rule [§ 141.85(b)], we deliberately intended to liberalize the word “available” to conform with Part 141 schools' actual practices. As many schools that voiced support for this change, they commented that it was not realistic nor common practice to expect a chief instructor to stay physically located at the school when considering the advancement of communication technologies. So we deliberately broadened the rule to permit the usage's of today's communication technologies. However, as in accordance with Order 8700.1, page 143-3, para (4), it states, in pertinent part, “In event that the chief instructor is unavailable for consultation, training in relation to the chief instructor's responsibilities must cease until that chief instructor returns, unless these duties have delegated.” So if consultations were needed with the chief instructor that involved a serious safety matter concerning the operation of the school, then “training . . . must cease until that chief instructor returns, unless these duties have delegated.” However, if the consultation with the chief instructor is needed but the matter did not involve a serious safety matter concerning the operation of the school, then it would be AFS-840's policy to say the scenario you quoted would be in compliance § 141.85(b). However, since this rule is not written specifically enough to qualify the intent of the word “available” it would require a legal determination by an NTSB Law Judge.

{Q&A-36}

## § 141.87 Change of chief instructor

**QUESTION:** Current Q&A-535 and FAA Order 8700.1 guidance suggests that a Part 141 pilot school can continue to operate indefinitely beyond 60 days without a chief instructor as long as there is an assistant chief. This would appear to give pilot schools a very large loophole in which to operate. Has there been any case law on this subject or any move to limit this latitude?

**ANSWER:** Ref. § 141.87(b) and (d) and FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B; There hasn't been any precedent setting case law on allowing a Part 141 pilot school to continue to operate indefinitely beyond 60 days without a chief instructor as long as there is an assistant chief instructor. Nor in 1997 when the FAA last revised Part 141 was there any interest to revise the rules or FAA Order 8700.1 on this matter.

{Q&A-614}

**QUESTION:** Per § 141.87(d), the rule states that a pilot school “. . . Must, after 60 days without a chief instructor, cease operations and surrender its certificate to the Administrator.” What happens if the pilot school has an assistant chief instructor? Does that really mean what it says that a pilot school must cease operations and surrender its certificate to the FAA if after the 60<sup>th</sup> day the pilot school still does not have a chief instructor even if the school has a qualified assistant chief instructor? If training can continue on beyond the 60-day limit where the pilot school doesn't have an assigned chief instructor, can the assistant chief instructor be responsible for administering the stage checks and end-of-course tests or must those checks/tests only be performed by an FAA ASI or examiner?

**ANSWER:** Ref. § 141.87(d) and FAA Order 8700.1, Vol. 2, Chapter 143, Section 1, page 143-3, paragraph 13.B. The rule does not address the situation where a pilot school has an assistant chief instructor. Only in

paragraph 13.B of FAA Order 8700.1, Vol. 2, Chapter 143, Section 1 on page 143-3 does it address this question. And per FAA Order 8700.1, Vol. 2, Chapter 143, Section 1, page 143-3, paragraph 13.B, it provides if the course of training has an assistant chief instructor who is approved by the FAA then training can continue on beyond the 60-day limit and indefinitely. And applying this same logic to this answer with the guidance provided in paragraph 13.B of FAA Order 8700.1, Vol. 2, Chapter 143, Section 1 on page 143-3, then yes it would be assumed that the assistant chief instructor may also administer the stage checks and end-of-course tests. And this arrangement would also be permissible indefinitely.  
{Q&A-580}

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**QUESTION:** Can a 141 school continue to operate beyond the 60 day period without a chief instructor if an assistant chief instructor is employed and available at the school? If so, for how long? § 141.87(d) says no, but FAA Order 8700.1 says they can, but does not specify for how long.

**ANSWER:** Ref. § 141.87(b) and (d) and FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B; If the school has an assistant chief instructor, training may continue beyond 60 days indefinitely. If there is no assistant chief instructor, the school must terminate training under Part 141 for that course of training after 60 days from the date the former chief instructor resigned [see § 141.87(d)]. Per FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B, it states:

*B. Authority to Examine.* The school may continue to train students under an approved course of training without a chief flight instructor for a period of 60 days. If the course of training has an assistant chief instructor who is approved by the FAA, training can continue beyond the 60-day limit. If there is no assistant chief flight instructor when the school is without a chief flight instructor, each stage or final test of a student enrolled in that approved course of training must be given by an FAA inspector or a designated pilot examiner (DPE) (see volume 2, chapter 145 of this handbook). By referring to the approved training syllabus, the FAA inspector or DPE should become familiar with the specific areas to be tested and with the completion standards for each stage of training being tested. The results of the tests given by the inspector or the DPE should be given to the operator of the school for inclusion in the appropriate student files.

However, it should be emphasized that during the time an assistant chief instructor is performing the duties and responsibilities of the chief instructor, the quality of training and course completion standards will remain at the same level as when the school had a chief instructor. ASIs should make every effort to provide additional monitoring of the school to insure the quality of training and course completion standards remain at an acceptable level.

{Q&A-535}

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**QUESTION:** What options are available to a Part 141 flight school when 60 days have passed since the chief instructor has resigned. Does the FSDO, POI have the option of approving continued operation beyond 60 days using an assistant chief who does not meet experience requirements of § 141.35?

**ANSWER:** Ref. § 141.87(b) and FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B; As per FAA Order 8700.1, Vol. 2, chapter 143, page 143-3, paragraph 13. B,

*B. Authority to Examine.* The school may continue to train students under an approved course of training without a chief flight instructor for a period of 60 days. If the course of training has an assistant chief instructor who is approved by the FAA, training can continue beyond the 60-day limit. If there is no assistant chief flight instructor when the school is without a chief flight instructor, each stage or final test of a student enrolled in that approved course of training must be given by an FAA inspector or a designated pilot examiner (DPE) (see volume 2, chapter 145 of this handbook). By referring to the approved training syllabus, the FAA inspector or DPE should become familiar with the specific areas to be tested and with the completion standards for each stage of training being tested. The results of the tests given by the inspector or the DPE should be given to the operator of the school for inclusion in the appropriate student files.

If the school has an assistant chief instructor, training may continue beyond the 60 days indefinitely. If there is no assistant chief instructor, the school must terminate training under Part 141 for that course of training after 60 days from the date the former chief instructor resigned.

{Q&A-457}

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## § 141.91 Satellite bases

**QUESTION:** A previous answer seems to indicate that a satellite base for a Part 141 pilot school needs both an assistant chief instructor assigned to it, and may not have more than one assistant assigned to it. Should not the answer indicate that a satellite must have at least one assistant, and may have more--as in the case of not all courses being covered by that one person because, say, that person doesn't meet the experience requirement for a course of training.

We do understand that an assistant may not serve more than one satellite, but that once the at-least-one-assistant-to-one-satellite-and-each-course has been satisfied, assistants may travel and perform duties at any satellite.

**ANSWER:** Ref. § 141.91(a) and § 141.36; Yes, a pilot school may [emphasis added: MAY] want to appoint more than one assistant chief instructor to be assigned to a specific satellite base. However, per § 141.91(a), a pilot school is only required to appoint one assistant chief instructor for a satellite base. The purpose of § 141.91(a) in requiring that at least one assistant chief instructor be appointed at a satellite base is to establish a person with supervisory authority over the satellite base. As is the case for the requirement for assignment/designation of a chief instructor for each approved course of training at the pilot school's main base.

But in the case of a satellite base that is approved for conducting numerous courses (*e.g.*, Private Pilot Certification Course – Airplane Single Engine Land; Private Pilot Certification Course – Airplane Multiengine Land; Private Pilot Certification Course – Airplane Single Engine Sea; Private Pilot Certification Course – Airplane Multiengine Sea; Commercial Pilot Certification Course – Airplane Single Engine Land; Commercial Pilot Certification Course – Airplane Multiengine Engine Land; Commercial Pilot Certification Course – Rotorcraft - Helicopter; Commercial Pilot Certification Course – Rotorcraft-Gyroplane; Instrument – Airplane Rating; and Instrument – Helicopter Rating), the pilot school may want to designate numerous assistant chief instructors to be assigned to this one satellite base.

And for the record, each assistant chief instructor must meet the appropriate qualification requirements of § 141.36.

As for the previous questions and answers you referenced (*i.e.*, Q&A 520 and Q&A 406) those questions were asking about whether one person could serve as an assistant chief instructor for multiple satellite bases. My answers to both those questions addressed only whether it is permissible for a pilot school to appoint one person to serve as an assistant chief instructor for multiple satellite bases. That is not what your question has asked me. Your question asked whether it is permissible for a pilot school to appoint more than one assistant chief instructor to be assigned to a specific satellite base. The answer yes it is permissible but again per § 141.91(a), a pilot school is only required to appoint one assistant chief instructor for a satellite base.

{Q&A-553a}

**QUESTION:** There's a FSDO wanting to enforce the requirement for a different assistant-chief-instructor for each Part 141 satellite school. I see the policy in the FAQ [*i.e.*, Q&A-406] and I believe this Part 141 pilot school will in most cases do that, but I can't find a rule in Part 141 that establishes any requirement that each Part 141 satellite school must have an assistant chief instructor. I see nothing that says that an assistant chief instructor may not serve more than one Part 141 satellite school. I need your guidance on Q&A-406 and § 141.91(a).

**ANSWER:** Ref. § 141.91(a); This is how you read the phrase “An assistant chief instructor is designated for each satellite base . . .” in § 141.91(a). You read “An assistant chief instructor” as being singular and “each satellite base” as being singular. So the wording of § 141.91(a) means that only ONE assistant chief instructor can only be designated for EACH satellite school. Plus continuing on reading § 141.91(a), it states “. . . and that assistant chief instructor is available at that base or, if away from the premises, by telephone, radio, or other electronic means during the time that training is provided for an approved training course. . . .” So to further this understanding of § 141.91(a), how could it be possible for a Part 141 pilot school to appoint just one assistant chief instructor to service more than one satellite base. Plus, if we don't understand 141.91(a) this way, a Part 141 school could conceivably appoint just one assistant chief instructor to service all of its 10 or 20 or so satellite bases and then how would just one assistant chief instructor be able to be “. . . available at that base or, if away from the premises, by telephone, radio, or other electronic means during the time that training is provided for an approved training course .

...” One assistant chief instructor would not be able to service multiple Part 141 satellite bases and be able to be “. . . available at that base or, if away from the premises, by telephone, radio, or other electronic means during the time that training is provided for an approved training course . . .” The intent of the phrase “An assistant chief instructor is designated for each satellite base . . .” in § 141.91(a) was to only allow “An assistant chief instructor. . .” to be designated for “. . . each satellite base . . .”

{Q&A-520}

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**QUESTION 1:** Several members of the Inspector Part 141 class deal with satellite bases for large Part 141 schools. They say that the certificate holding FSDO issues Part 141 school certificates to each satellite base, but treats them as satellites and not separate schools. Is it permissible, expected, or appropriate to issue school certificates to satellite bases that are different than the number of the main base?

**ANSWER 1:** Ref. § 141.91; It is the school's choice whether they want to establish a satellite base or apply for a new school certificate. As per § 141.91, it states, in pertinent part, “ The holder of a pilot school certificate or provisional pilot school certificate may conduct . . .” [key word MAY]. However, a school may apply for a separate certificate and approval of its training courses. It is entirely a school's choice which way they want to go with it.

Now to address your other question relating to the procedures as to whether each satellite base should be issued its own individual Part 141 school certificate by the jurisdictional FSDO? Or should only one school certificate be issued to the school's main base and the satellite bases have facsimiles of the original school certificate to hang on the wall? I contacted Sherry Leafgreen in AFS-620, which is the office that is responsible for the procedures and policy on the assignment of Part 141 school certificate numbers. Ms. Leafgreen stated that AFS-620's policy on the assigning Part 141 certificate numbers are that satellite schools do not receive their own separate school certificate. Only the main school receives the actual Part 141 school certificate. The confusion may be because satellite bases are assigned separate designator numbers for inputting information into the Vital Information System (VIS).

**QUESTION:** If a school is not currently training at a satellite base but wishes to keep it on their certificate, must they maintain the personnel, aircraft, and facilities?

**ANSWER:** Ref. § 141.91(b); To be in compliance with § 141.91(b), a school's satellite base airport, facilities, and personnel must always being able to show that it meets the appropriate requirements of subpart B of Part 141 and its approved training course outline. So, if a school shuts down training at its satellite base, they still would be required to show compliance with § 141.91. Otherwise, the satellite base would still be subject to inspections by the FAA to insure compliance with § 141.91. However, I have heard of some satellite bases being temporarily shut down for Christmas breaks or seasonal breaks. The facilities remained, but the satellite base was shut down for a 3 to 4 month period of time, and then operations were restarted. I think this is reasonable, and I don't see the need of the FAA forcing a complete shutdown of the satellite base. Nor does Part 141 or FAA Order 8700.1 specifically address this kind of temporary shutdown that would require the school to be forced to terminate its satellite base.

{Q&A-480}

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**QUESTION:** § 141.91(d) is vague regarding which FSDO is referenced and as to what happens if the school is only operating 5 days a week, every week. Are there any plans to revise this regulation?

**ANSWER:** Ref. § 141.91(d); The FSDO referenced in § 141.91(d) is the FSDO that has jurisdictional authority over the pilot school's main operation base. The intent of the phrase “. . . if training is conducted at a base other than the school's main operations base for more than 7 consecutive days” means if the school is going to conduct training for anymore than 7 consecutive days then the jurisdictional FSDO that oversees the school's main operation base must be notified in writing. Conducting training 5 days per week on a continuous basis is conducting “. . . training for anymore than 7 consecutive days. The school must notify its jurisdictional FSDO when it conducts training at satellite site 5 days a week every week.

This is the first time I've heard there may be a problem with the wording of § 141.91(d) and understanding what is meant by it. We are in the process of making some additional changes to Parts 61 and 141 and a rulemaking document is in coordination within FAA HQ, so I will raise your question with the rulemaking team that is drafting that document.

{Q&A-480}

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**QUESTION :** Are satellite bases for part 141 schools issued individual designators for PTRS purposes that are separate from their parent school?

**ANSWER:** Ref. § 141.91; According to AFS-620, each satellite base/school have been issued their own unique designator code that is different from the parent school. The reason a unique designator code is assigned to each satellite base/school is to allow the entering of information into the Vital Information Subsystem (VIS) thus updating information on the National Vital Information Subsystem (NVIS).  
{Q&A-435}

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**QUESTION:** Situation, I have a Part 141 flight school that has two satellite schools. The satellite schools are located 16 miles apart from each other. Can they assign the same assistant chief instructor to service both satellite schools.

**ANSWER:** Ref. § 141.91(a); No, the same assistant chief instructor cannot be assigned to service both satellite schools. There must be an assistant chief instructor designated for each satellite base.  
{Q&A-406}

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**QUESTION:** In accordance with § 141.87(b), it permits a school to continue to operate without a Chief Instructor for a period of time “. . . not to exceed 60 days while awaiting the designation and approval of another chief instructor.” However, in accordance § 141.91(a), it requires that schools that conduct training at bases other than its main operations base must appoint an Assistant Chief Instructor at that satellite base. Does the same requirement of § 141.87(b) [i.e., “. . . not to exceed 60 days while awaiting the designation and approval of another chief instructor.”] apply to school’s satellite base if the school loses their Assistant Chief Instructor at that satellite base as what happens when the school loses it Chief Instructor at the primary base of operation?

**ANSWER:** Ref. § 141.91(c); The answer is no, a school’s satellite authority would not have to be terminated by the loss of its Assistant Chief Instructor. The rules, § 141.91 and § 141.87, are silent on this issue. When the school’s satellite base is without an Assistant Chief Instructor, the school will comply with § 141.91(c) until another Assistant Chief Instructor is appointed. Granted, the FAA may have to eventually develop some specific operational instructions to address this kind of situation, but to date we have none except to require that the satellite school’s instructors be “. . . under the direct supervision of the chief instructor or assistant chief instructor for the appropriate training course, who is readily available for consultation in accordance with § 141.85(b) of this part . . .” Personally, I don’t believe we need to develop rules that cover every possible scenario, because having an Assistant Chief Instructor on site at a satellite school is more a need for the school than it is for the FAA. I still believe if we begin to have problems, the best way to handle this kind of scenario is direct consultation between the school’s Chief Instructor and the POI. I truly believe that communication and a harmonious relationship between a school and its POI is always the best solution!  
{Q&A-270}

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**QUESTION:** What are the cost reimbursement requirements for establishment of a Part 141 satellite school overseas?

**ANSWER:** Ref. § 141.91; This is a recap of information that was provided in response to a request for establishment of a satellite facility in Lagos, Nigeria for Aviation Training International (ATI), Air Agency Designator BM8S, located at Hayward Airport in Hayward, CA.

As I understand the information received a satellite facility for ground instruction may be established in Lagos, Nigeria if oversight and surveillance can be maintained. After a conversation with the New York IFO they would be able to provide those services if the requirements of the Office of Management and Budget Circular (OMB) No. A-25 and 14 Code of Federal Regulation (CFR) Part 187 are met. Specifically, reimbursement of all expenses required to provide those services would be made by ATI. This includes those expenses required for the initial inspection of the facility and instructor evaluations, as well as any required inspections required to insure compliance with all FAA guidance. This includes reimbursement for all travel, lodging and per diem, plus \$80.00 and hour during all inspection/surveillance activities. Recovery of these expenses will be made expeditiously with a check drawn on a U.S. bank and deposited to the FAA general fund.

14 CFR Part 187 implements Title V of the Independent Offices Appropriation Act of 1952 (31 USC 9701) and the International Air Transportation Competition Act of 1979 by following the guidance established in OMB Circular No. A-25 for compliance with those acts.  
{Q&A-344}

## § 141.93 Enrollment

**QUESTION:** FAA Notice 8700.29 “Incorporating Standard Operating Procedures During Taxi Operations in Training Programs, the Use of Standard Operating Procedures During Taxi Operations, and Special Emphasis Items for Runway Incursion Surveillance” speaks of the TCO to incorporate this guidance. If this is what this really means, would the guidance be incorporated into the training course outlines of § 141.55(b)(7)(ii) or, would it be incorporated into the Safety Procedures § 141.93(a)(3)?

Now, if it is to be incorporated into the TCO [§ 141.55(b)(7)(ii)], would this be required to added as a page into the Jeppsen training syllabus or Cessna training syllabus, whichever the schools are using. I was thinking it would be identified under communication, taxing etc. I am sure there are a number of places the information will need to be addressed.

**ANSWER:** Ref. FAA Notice 8700.29 “Incorporating Standard Operating Procedures During Taxi Operations in Training Programs, the Use of Standard Operating Procedures During Taxi Operations, and Special Emphasis Items for Runway Incursion Surveillance” paragraphs 4 and 5.b.(1); For Part 141 pilot schools, this required training on aircraft lighting during taxi and takeoff operation and readback/hearback on hold short, position and hold, and runway crossing should be incorporated in the training course outlines as per FAA Notice 8700.29, paragraph 5.b.(1). The subject matter of this kind of training would also be appropriate for incorporating into the pilot school’s safety procedures and practices of § 141.93(a)(3). Therefore, this training should be in both the pilot school’s TCOs and its safety procedures and practices.

{Q&A-628; Locate in the Q&As of § 141.55(b)(7)(ii) and § 141.93(a)(3)(ii) and (viii)}

## § 141.95 Graduation certificate

**QUESTION:** Does a graduate of an approved flight school course who has been issued a graduation certificate have relief from the provisions of § 61.39(a)(6) that require the applicant to have received a logbook endorsement from his/her instructor to apply for a practical test?

**ANSWER:** Ref. § 61.39(a)(6); The answer is no, a graduate of Part 141 course must comply with the instructor endorsement requirements of § 61.39(a)(6) when applying for a practical test. In other words, the required endorsements must appear in the applicant’s logbook/training record.

However, if the actual question is whether a recommending instructor’s signature is required on the “Instructor’s Recommendation” on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application for a graduate of an approved Part 141 course who has been issued a graduation certificate has to have, the answer is no.

According to Mary Rickey, Manager, Airmen Certification Branch, AFS-763, at the FAA's Civil Aviation Registry in Oklahoma City, OK, the procedures require that the Chief Instructor complete and sign the “Air Agency’s Recommendation” on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application. No recommending instructor signoff is required on the FAA Form 8710-1, Airman Certificate and/or Rating Application. That is the acceptable procedure/practice and is what the examiners who work for the FAA's Airmen Certification Branch, AFS-763 look for.

{Q&A-457}

**QUESTION:** Does a graduate of an approved ground school course who has been issued a graduation certificate have relief from the provisions of § 61.35(a)(1) that require the applicant to have received a logbook endorsement from his/her instructor to apply for a knowledge test?

**ANSWER:** Ref. § 61.35(a)(1); The answer is no, a graduate of Part 141 course must comply with the instructor endorsement requirements of § 61.35(a)(1) when applying for a knowledge test.  
{Q&A-457}

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**QUESTION:** Is a graduate of an approved Part 141 ATP certification course required to record his/her flight times on the completed FAA Form 8710-1, Airman Certificate and/or Rating Application if applicant has a graduation certificate?

**ANSWER:** Ref. § 61.39(a)(7); The answer is yes, a person who is a graduate of an approved Part 141 ATP certification course is required to record his/her flight times on the completed FAA Form 8710-1, Airman Certificate and/or Rating Application because § 61.39(a)(7) requires that a person who applies for a practical test must have a completed and signed application. That means the times must be completed on the FAA Form 8710-1, Airman Certificate and/or Rating Application.  
{Q&A-457}

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**QUESTION:** Is a graduate of an approved Part 141 ATP certification course required to have an instructor endorsement on the FAA Form 8710-1, Airman Certificate and/or Rating Application, if applicant has a graduation certificate.

**ANSWER:** Ref. § 61.39(c)(3) and § 61.49(a); The answer is no, a graduate of an approved Part 141 ATP certification course is not required to have an instructor endorsement on his/her FAA Form 8710-1, Airman Certificate and/or Rating Application provided the person “. . . (3) Is applying for an airline transport pilot certificate or an additional rating to an airline transport pilot certificate in an aircraft that does not require an aircraft type rating practical test.”

However, like any applicant for a practical test who fails a practical test, before that person may re-apply for the practical test that person must have received “. . . the necessary training from an authorized instructor . . .” and “. . . endorsement from an authorized instructor who gave the applicant the additional training” [per § 61.49(a)].  
{Q&A-457}

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**QUESTION:** Situation is an applicant for a Commercial Pilot Certificate for an airplane single engine land rating who completes the final stage check of Embry Riddle Aeronautical University's Appendix D, Part 141 approved Commercial Pilot Certificate - Airplane Single Engine Land course on October 21, 2000. The chief instructor does not get around to certifying the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion until October 31, 2000. What is the “. . . (4) The date of graduation; . . .” [i.e., in § 141.95(b)(4)] for issuing the graduation certificate? Is it the date when the student finishes the last lesson of the approved course/completes the final stage check? Or, per § 141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion?

**ANSWER:** Ref. § 141.95(b)(4); § 141.85(a)(1); and § 61.71(a); The date of graduation is the date the chief instructor certifies the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion. So, the date of graduation would be October 31, 2000. And the chief instructor shall date the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion as October 31, 2000. As per § 61.71(a), the graduate has a 60-day period after the date of graduation to present his/her graduation certificate and pass the required practical test, so I ask why should the applicant be penalized because of bureaucratic delays that are not his/her fault. The applicant should not be penalized, and so the chief instructor shall date the graduation certificate with a October 31, 2000 date.  
{Q&A-404}

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**QUESTION:** Situation is an applicant for a Private Pilot Certificate for an airplane single engine land rating who completes the final stage check of Embry Riddle Aeronautical University's Appendix B, Part 141 approved Private Pilot Certificate - Airplane Single Engine Land course on October 21, 2000. The course is approved for self examining authority. The applicant completed the entire course on October 21, 2000, meaning he/she completed all of the training and testing on October 21, 2000. The chief instructor does not get around to processing the graduate's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion to the school's airman certification representative (ACR) until October 31, 2000. And the ACR does not

get around to completing the graduate's FAA Form 8710-1 application and the temporary airman certificate until November 5, 2000. What is the “. . . (4) The date of graduation; . . .” [i.e., in § 141.95(b)(4)] for issuing the graduation certificate? Is it the date when the student finishes the last lesson of the approved course/ completes the final stage check? Or, per § 141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion?

**ANSWER:** Ref. § 141.95(b)(4); § 141.85(a)(1); and § 61.71(a); The date of graduation is the date the chief instructor certifies the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion. So, the date of graduation would be October 31, 2000. And the chief instructor shall date the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion as October 31, 2000.  
{Q&A-404}

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**QUESTION:** As a follow-on to Question 2, what is the date the ACR should sign the FAA Form 8710-1 application and the temporary airman certificate?

**ANSWER:** Ref. § 141.95(b)(4) and § 141.67(e)(1)(i); The date the ACR shall place on the FAA Form 8710-1 application and the temporary airman certificate shall be retroactive to October 31, 2000.  
{Q&A-404}

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**QUESTION:** The situation involves an applicant for renewal of his/her flight instructor certificate who completes the end of course test of A, B, & C Professional Flying School's Appendix K, Part 141 approved Flight Instructor Refresher Course on October 21, 2000. The chief instructor does not get around to certifying the graduate's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion, and FAA Form 8710-1 application until November 3, 2000. However, the applicant's flight instructor certificate expired on October 31, 2000. What is the date of graduation for issuing the graduation certificate, temporary airman certificate, and FAA Form 8710-1 application? Is it the date the student finishes the last lesson of the approved course? Or, per § 141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion, and application?

**ANSWER:** Ref. § 141.95(b)(4); § 141.85(a)(1); and § 61.71(a); The date of graduation for a flight instructor renewal applicant is the date the applicant completes the flight instructor refresher course. The applicant completed A, B, & C Professional Flying School's Appendix K, Part 141 approved Flight Instructor Refresher Course on October 21, 2000, so make the date retroactive to show October 21, 2000 as the date of certification of the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion, and FAA Form 8710-1 application. And the FSDO shall sign the back of the FAA Form 8710-1 application and the temporary airman certificate retroactive to show October 21, 2000. The reason this answer is different from the previous answer and the reason the date has to be made retroactive to October 21, 2000 is because for record keeping purposes, the FAA's Airman Certification Branch, AFS-763, needs the date of the FAA Form 8710-1 application and the temporary airman certificate to be on or before the expiration date of the graduate's superseded flight instructor certificate.

And I will add this comment in answering all of the above questions. Although § 141.95(a) and (b) does not specifically state how many days may elapse between the time the student completes a course until a graduation certificate must be issued, if a chief instructor is taking longer than 5 to 10 working days to get their graduates' files processed (meaning 5 to 10 working days from the date the chief instructor actually gets the file from the applicant's instructor), we need to impress upon them the importance of processing airman certification files in a timely manner. Going beyond 5 to 10 working days to get their graduates' training and certification files processed would not be considered the “norm.” Keep in mind, per § 61.71(a), a graduation certificate is only good provided “. . . that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation.” And can you imagine being the applicant having had no training in the previous 59 days and then be expected to pass a practical test on the 60<sup>th</sup> day! Historically, the FAA has been reasonable about the amount of time for disposition of files, but we all need to do a better job in keeping up.

And this emphasis for processing airman certification files in a timely manner also applies to ACRs. Taking longer than 5 to 10 working days to process an airmen certification file after receiving that certified course completion file

from the chief instructor should also not be considered the “norm” (meaning 5 to 10 working days from the date the ACR actually gets the applicant's file from the chief instructor).

Per FAA Order 8710.3C, page 5-12, paragraph 43. C. is the only official FAA policy on disposition of files and it states: “The examiner shall mail the completed certification file to the supervising FSDO not later than 5 days after completion of the practical test. Airman Certification Rating Application (ACRA) files may be sent directly to AFS-760.”

{Q&A-404}

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**QUESTION:** I test applicants who have graduated from part 141 schools. § 61.71 states that if an applicant presents a graduation certificate the applicant is considered to have met the applicable aeronautical experience, aeronautical knowledge and area of operation requirements of Part 61.

Does this mean that the applicant does not have to show me logged ground and flight training required under part 61 and that the graduation certificate will stand by itself. Am I required to examine the 141 syllabus to insure that the minimum logged training under part 61 was accomplished.

**ANSWER:** Ref. § 61.71(a) and § 141.95; No, you do not have to examine the school's syllabus.

If a person holds a graduation certificate from an approved training program under part 141 of this chapter then that person is considered to have met the applicable aeronautical training, aeronautical knowledge, and areas of operation requirements of this part if that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation.

So as an examiner, you do not have to examine the school's syllabus. That is the FAA's responsibility when we review the TCO during the approval process. Additionally, the FAA reviews the school's records and students' records throughout the year at periodic times to ensure compliance with the appropriate rules of Part 141 [i.e., FAA Order 8700.1, Chapter 141 and § 141.101, § 141.77(a)(1), § 141.95, etc.]. In addition, the school's Chief Instructor or Assistant Chief Instructor will have also reviewed the student's application, training records, and graduation certificates before that applicant appears for the practical test.

But the examiner certainly has the right and **SHOULD** review the applicant's training records and logbook to ensure the applicant completed the course requirements and that the school has completed the necessary paperwork and endorsements on the applicant [i.e., § 141.95]. But you the examiner, your main emphasis should be on reviewing the student's application, logbook, and conducting the practical test. Leave the detail review of the school records and student training records to the FAA and to the school's Chief Instructor.

{Q&A-206}

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## § 141.101 Training Records

**QUESTION:** When does a pilot school have to terminate a student's enrollment in a training course? For example, a student just quits showing up for training because of financial reasons. The student never officially informs the school that he is terminating training. After the last lesson attended, the student just quit showing up. What is a reasonable time to consider for terminating that student's enrollment?

**ANSWER:** Ref. § 141.101(d)(2) and FAA Order 8700.1, page 141-10, para. 17D.(5); There is nothing in Part 141 or FAA Order 8700.1 that really address this question. However, in § 141.101(d)(2) the rule requires pilot schools to retain a student's record for “. . . at least 1 year . . .” from the date that the student terminates enrollment. Per FAA Order 8700.1, page 141-10, para. 17D.(5), it states “Pilot schools must retain each student's record for at least 1 year from the date the student graduates, terminates a course, or transfers to another school.”

Therefore, for policy purposes and for standardization, it is established that a pilot school shall terminate a student's enrollment from a course of training if the student has not attended a lesson in that course within the preceding 12 calendar months. For example, a review of a student's training records shows the student last attended a lesson on February 25, 2003. That student's enrollment in the course of training will be terminated on March 1, 2004. In accordance with § 141.101(d)(2), a student's records will be retained by the pilot school for “. . . at least 1 year . . .”

from March 1, 2004. The pilot school shall officially terminate that student from its course of training as of March 1, 2004. The pilot school may purge its files of that student's records after March 31, 2005.

However, this policy would not prevent a pilot school from terminating a student's enrollment for some period of time of less than 12 calendar months. For example, it has been reported that some pilot schools have written in their approved training courses a policy that states that a student's lack of attendance of more than 60 days will result in a student being removed from their course of training. If that is the case, then a pilot school is within its right to terminate the student on that date and then would be required to retain the student's training records for 1 year from that date.

{Q&A-609}

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## **PART 141, Appendixes (A-K) General information**

**QUESTION:** Why do the appendices not provide information on the required course content for ASES/AMES? Why do the appendices stop at ASE? Seems they should address ASEL/ASES and AMEL/AMES.

**ANSWER:** Ref. Part 141; The appendixes were drafted in general verbiage that allows for the areas of operation to be for either the airplane [single engine/multiengine] land rating or the airplane [single engine/multiengine] sea rating. It was written that way to conserve the size the regulations. As it was written, the entire rewrite of parts 61 and 141 was over 900 pages of double-spaced, typed document.

{Q&A-435}

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**QUESTION:** What are the limits or provisions for the establishment of a satellite base in a foreign country?

**ANSWER:** Ref. §§ 141.25(e), 141.53, and 141.91(b); The only "limits or provisions" for the establishment of satellite bases in foreign countries are that they are treated like any other satellite base in that they must be inspected and approved by the FAA [i.e., § 141.25(e)]. With the issuance of Amendment No. 141-11 on October 5, 1998, the FAA deleted § 141.15. That rule restricted pilot schools from establishing schools at locations outside the United States. U.S. pilot schools are now permitted to establish training facilities outside the United States. The purpose behind removing § 141.15 was to facilitate the continuation of harmonization with our European partners of the Joint Aviation Authorities. Surveillance of schools at foreign locations are being performed by the International Flight Operation office in New York, San Francisco, and Houston.

The actual Federal Register publication with the rule and preamble language can be read at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998\\_register&docid=98-26602-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=98-26602-filed)  
{Q&A-424}

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## **PART 141, Appendix B-Private Pilot Certification Course**

**QUESTION:** Ref. Part 141, Appendix B, paragraph 4.(b)(1)(iii); Please verify that under Part 141 the CFI must have his/her instrument rating (CFII) to teach the 3 hours of instrument training required for private pilot certificate.

**ANSWER:** Ref. § 61.193 and Part 141, Appendix B, paragraph 4.(b)(1)(iii); Again to stay consistent with my answer in Answer 1 above, even though I realize Part 141, Appendix B, paragraph 4.(b)(1)(iii) says "instrument training," the training is really only the kind of training described in § 61.109(a)(3). So to remain consistent with my answer in Answer 1 above, a CFI-ASE can provide the training described in Part 141, Appendix B, paragraph 4.(b)(1)(iii).

{Q&A-283}

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**QUESTION:** How about the ". . . 3 hours of instrument training in a single engine airplane . . ." per Part 141, Appendix B, paragraph 4.(b)(1)(iii), can a flight instructor with an airplane single-engine rating (but no Instrument-Airplane rating on his CFI) provide a Private Pilot applicant with the flight training required by Part 141, Appendix B, paragraph 4.(b)(1)(iii)?

**ANSWER:** Ref. Part 141, Appendix B, paragraph 4.(b)(1)(iii); Yes, a CFI-ASE without an Instrument-Airplane rating on the flight instructor certificate can give the instrument training for the private pilot airplane single engine training required by Part 141, Appendix B, paragraph 4.(b)(1)(iii), [i.e., “. . . 3 hours of instrument training in a single engine airplane . . .”]. Even though I realize Part 141, Appendix B, paragraph 4.(b)(1)(iii) says “. . . instrument training . . .” the training is really only the kind of training described in § 61.109(a)(3).

{Q&A-249}

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**QUESTION:** Situation is I am designing a Private Pilot Certification Course for an Airplane Single Engine Land. Does all 35 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

**ANSWER:** Ref. Part 141, Appendix B, paragraph 4.(a)(1); No, all of the 35 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice the “35 hours” listed in paragraph 4.(a)(1) does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. Once you get to paragraph 4.(b)(1) is where the flight training with a certificated flight instructor is specifically identified and its states “20 hours.” And further subparagraphs (i) through (iv) is where the “dual” flight training is specific to the aircraft category and class. You would go to paragraph 5(a) to obtain the total solo flight time requirements which in this case is 5 hours.

Now I know some of you are using your computers and adding 20 hours of dual time and 5 hours of solo time and saying the times only amount to 25 hours. You're asking where is the other 10 hours that add up to 35 hours? Right? Well the other 10 hours is decided by the schools. The rule was written this way to permit the schools to design their course to how they see fit.

{Q&A-177}

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**QUESTION:** Within the 35 hours ground training required in an FAR Part 141 school, can both the testing and test debrief be included? Or, must testing and debrief be in addition to the 35 hours. I couldn't find any answer to this in the FAR's.

**ANSWER:** Ref. Part 141, Appendix B, paragraph 3.(a)(1); Yes, the testing and debriefing can be part of the 35 hours. Even though this change was made to the flight training portion in all of the appendixes (I know you're asking about the ground training portion), but when we issued the Notice of Proposed Rulemaking on the rewrite of Parts 61 and 141, we specifically left out reference “. . . may not be credited for more than 3 hours . . .” in the flight training portion of the old Appendix A, paragraph 5.(a). Our rationale for deleting this reference was because we wanted to leave it up to the schools to design their courses without regulatory restraints getting in the way. My experience with Part 141 schools was this was their biggest complaint about Part 141 was that it was too restrictive and it did not allow the schools to design courses that took advantage of the abilities of you professional trainers.

So yes, you can count the testing and the debriefing as part of the 35 hours of ground training. However, as they say, “a word to the wise”: if some school were to some way attempt to take advantage of this relief, at the end of 24 calendar months, in accordance with § 141.5(d), the school has to show a 80% pass rate or they lose their school certificate.

{Q&A-174}

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**QUESTION:** Part 141, Appendix B, no longer requires pre and post flight briefing for each lesson. Did I overlook it somewhere?

**ANSWER:** Ref. Old Part 141, Appx B, paragraph 4.(b); No, you didn't overlook it. We did away with that requirement. This was a rule that we believed was unnecessary to regulate. We felt the need of a pre- and post-flight briefing did not need to be a regulatory requirement and was best left to the instructor and the student.

{Q&A-117}

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**QUESTION:** FAR 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. Part 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will he PTS be changed?

**ANSWER:** Ref. § 61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / § 61.127(b) / and Appx. D, paragraph 4.(d) of Part 141: The areas of operation read exactly the same. The areas of operation of § 61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and § 61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then § 61.127(b) and Appendix D, paragraph 4.(d) are identical.

{Q&A-117}

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**QUESTION:** Part 141, Appendix B paragraph 5.(a). requires “5 hours of solo flight training in a single-engine airplane on the approved areas of operation in paragraph (d) (1) of section No. 4 of this appendix...” Problem: paragraph (d)(1) in paragraph 4 includes (ix) basic instrument maneuvers (x) emergency operations (xi) night operations.

Is there some intent to require solo practice in all these areas?

**ANSWER:** Ref. Part 141, Appendix B paragraph 5.(a); No, there never was any intent to require student pilots to perform emergency procedures, night operations, and basic instrument procedures in solo flight. Note, the way paragraph 5(a) reads, it doesn't say all of “the approved areas of operation in paragraph (d)(1) . . .” it just states “the approved areas of operation in paragraph (d)(1) of section No. 4 . . .” A flight instructor's judgment may be questionable if the flight instructor did authorize his student pilot to perform certain emergency procedures solo. But it is an instructor's call, because some students may be permitted to do certain emergency procedures, night operations, etc. It is the instructor's call. But no, a student pilot is not required to do all of the areas of operation of paragraph (d)(1) nor does the rule require it.

{Q&A-101}

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**QUESTION:** Does the cross country time required by Appendix B, paragraph 4 which requires 3 hours of cross-country flight training have to have a landing at least 50 NM from the departure point even though it is dual training?

**ANSWER:** Ref. Part 141, Appx. B, Paragraph B.4.(b)(1)(i) and (ii)(A); No, the first landing doesn't have to be more than 50 nautical miles from the original point of departure but one of the landings better be; Review § 61.1(b)(3)(ii) “. . . a point of landing that was at least a straight line distance of more than 50 nautical miles from the original point of departure;” So, give me at least ONE “. . . a point of landing . . .more than 50 nautical miles from the original point of departure” and you've satisfied the cross country definition.

{Q&A-91}

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**QUESTION:** Part 61 requires that a student pilot log a solo cross country of at least 150 NM total distance to meet the aeronautical experience requirements to receive a private pilot certificate. Appendix B of Part 141 only requires a student to log a cross country of 100 NM to meet the aeronautical experience requirements to receive a private pilot certificate. We were told that this was a mistake. The Appendix B requirements for solo cross country should be the same as Part 61, i.e. a solo cross country of a total distance of 150 NM. All printings of the new regulations still specify in Part 141 Appenix B, Paragraph 5 (a)(1) one solo cross country flight of at least 100 nautical miles. Could you clarify these items? Thank you.

**ANSWER:** Ref. Part 141, Appx. B, Paragraph B.4.(b)(1)(ii)(A); No, this was not a mistake. Yes, there is a difference between the rules and I know about it. It was done on purpose, because of the lower time requirements under Part 141 (35 hours) vs. Part 61 (40 hours). This accounts for the 5 hour reduction in aeronautical experience for Part 141 students.

{Q&A-91}

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**QUESTION:** If the student flew two solo cross country flights to satisfy the 5 hour solo requirement, would the definition of cross country time in § 61.1 (b)(3)(ii) apply?

**ANSWER:** Ref. Part 141, Appendix B paragraph 5.(a)(1); One of the cross country's would have to meet the cross country requirements of Appendix B paragraph 5.(a)(1) of Part 141. And if the applicant is doing another cross country, it would have to meet the requirements of § 61.1(b)(3)(ii).

{Q&A-74}

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**QUESTION:** If a person wishing to enroll in a Part 141 Private Pilot course could not meet the requirements for issuance of a student pilot certificate (*i.e.*, language), can he or she start training until becoming ready to solo, and then, go and get a student pilot certificate in order to actually solo?

**ANSWER:** Ref. Part 141, Appendix B, paragraph 2. What it means is, “A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.” So, if the person doesn't hold either a recreational or student pilot certificate then he/she can't enroll in the flight portion of the private pilot certification course.

{Q&A-81}

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## **PART 141, Appendix C Instrument Rating Course**

**QUESTION:** Does the instrument training cross country flight in the Instrument-Airplane rating course [*i.e.*, Part 141, Appendix C, paragraph 4.(c)(1)] have to be performed with a CFII-Airplane flight instructor?

**ANSWER:** Ref. Part 141, Appendix C, paragraph 4.(c)(1) and § 61.1(b)(10); Yes, the “. . . instrument training time . . . a distance of at least 250 nautical miles along airways or ATC-directed routing . . .” must be performed with an certificated flight instructor with the CFII-Airplane rating. Per § 61.1(b)(10), “*Instrument training* means that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions.” [Emphasis added: “. . . from an authorized instructor . . .”]. And per Part 141, Appendix C, paragraph 4.(c)(1), it states “. . . instrument training time . . .” Therefore, the instrument training cross country flight in the Instrument-Airplane rating course must be received from an certificated flight instructor with the CFII-Airplane rating.

{Q&A-577}

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**Situation 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR).**

**QUESTION:** Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

**ANSWER:** Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan provided the aircraft remains in VMC. No place in § 61.65 or § 91.205(d) does it require that the helicopter be IFR certified. However, a VFR certified helicopter shall not operate under IFR in flight conditions that are less than VMC without the helicopter meeting the certification requirements of Appendix B of Part 27 and the instruments and equipment requirements of § 91.205(d).

A person may not operate a VFR certified Robinson R-22 (meaning the aircraft not certified for IFR) in flight conditions that are less than VMC nor may a person accept an IFR clearance into flight conditions that are less than VMC. Otherwise, the aircraft always has to be in a position to be in VMC and remain in VMC.

Additionally, the FAA has established the following policy in FAA Order 8700.1 (page 8-2, paragraph 17) concerning instrument training in aircraft not certified for IFR operations:

“17. Use of aircraft not approved for IFR operations under its type certificate for instrument training and/or airman certification testing. The following paragraphs are intended to clarify the use of an aircraft not approved for IFR operations under its type certificate for instrument flight training and/or airman certification testing.

A. IFR Training in Visual Meteorological Conditions (VMC). Instrument flight training may be conducted during VMC in any aircraft that meets the equipment requirements of §§ 91.109, 91.205, and, for an airplane\* operated in controlled airspace under the IFR system, §§ 91.411 and 91.413. An aircraft may be operated on an IFR flight plan under IFR in VMC, provided the pilot in command (PIC) is properly certificated to operate the aircraft under IFR. However, if the aircraft is not approved for IFR operations under its type certificate, or if the appropriate instruments and equipment are not installed or are not

operative, operations in instrument meteorological conditions (IMC) are prohibited. The PIC of such an aircraft must cancel the IFR flight plan in use and avoid flight into IMC.

*[\* Intent of paragraph A: Although in this paragraph it states just “. . . airplane . . . .” on the 3<sup>rd</sup> line that is asterisked, this policy also applies to helicopters and all other categories and classes and types of aircraft]*

B. Type Certificate Data. Appropriate type certificate data will indicate whether the aircraft meets the requirements for IFR operations.

(1) Section 91.9(a) prohibits aircraft operations without compliance with the operating limitations for that aircraft prescribed by the certificating authority.

(2) Section 91.9(b) prohibits operation of a U.S. registered aircraft requiring an airplane an airplane or rotorcraft flight manual unless it has on board a current and approved airplane or rotorcraft flight manual or approved manual material, markings, and placards containing each operating limitation prescribed for that aircraft.”

{Q&A-170e}

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QUESTION: Does a Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft's flight and navigation instruments do not need to be IFR certified to operate on an IFR flight plan.

However, a VFR certified aircraft shall not operate under IFR in flight conditions that are less than VMC without meeting the certification requirements of Appendix B of Part 27 and the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

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QUESTION. Can the aeronautical experience required by § 61.65(d) be performed in this VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 61.65(d) and FAA Order 8700.1 (page 8-2, paragraph 17). The answer is yes, the aeronautical experience required by § 61.65(d) may be performed in a VFR certified Robinson R-22.

{Q&A-170e}

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QUESTION. Can the instrument training required by Appendix C of Part 141 be performed in a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 141.39(e); FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the training required by Appendix C of Part 141 may be performed in a VFR certified Robinson R-22. Neither § 141.39(e), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the instrument training requirements of Appendix C of Part 141.

However, a VFR certified aircraft shall not operate under IFR in flight conditions that are less than VMC without meeting the certification requirements of Appendix B of Part 27 and the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

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QUESTION. Can the practical test for the Instrument-Helicopter rating be performed in a VFR certified Robinson R-22 (e.g., non-IFR certified)?

ANSWER: Ref. § 61.45(b) and (d); and FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the practical test for the Instrument-Helicopter rating may be performed in a VFR certified Robinson R-22. Neither § 61.45(b) and (d), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the practical test for an Instrument-Helicopter rating.

However, a VFR certified aircraft shall not operate under IFR in flight conditions that are less than VMC without meeting the certification requirements of Appendix B of Part 27 and the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

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QUESTION: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training under § 61.65(c) (or Appendix C of Part 141) in this non-IFR certified Robinson R-22 during daytime conditions?

ANSWER: Ref. § 61.65(c) and § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).

{Q&A-170e}

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QUESTION: Can a portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b) and (d); § 91.205(d); The answer is a *conditional* yes. A portable VOR receiver may be used during instrument training and during the practical test for the Instrument-Helicopter rating provided the training / practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

But, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements of § 61.65(d)(2)(iv), then the rule § 91.171; § 91.411, and § 91.413 also apply to this question. Otherwise, for the aircraft to be operated under IFR flight plan / ATC clearance, the aircraft's -

- VOR has to have been inspected or operationally checked; [See § 91.171]
- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [See § 91.411] and
- ATC transponder has to have been tested and inspected. [See § 91.413]

The answer is yes, a portable VOR may be Velcro-taped to the instrument panel provided the training/practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

{Q&A-170e}

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QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance? Emphasis added: “. . . *when conducting IFR operations under an IFR flight plan / ATC clearance . . .*” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Aeronautical Information Manual, page 1-1-41, paragraph f.1. NOTE No. 4; and FAA Order 8700.1, page 222-7, paragraph 13.D; No, a hand-held GPS receiver may not be used during the instrument training or for the practical test for the Instrument-Helicopter rating. And again this answer applies to doing instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance.

Per the Aeronautical Information Manual, page 1-1-41, paragraph f.1., NOTE No. 4, it states:

*“VFR and hand-held GPS systems are not authorized for IFR navigation, instrument approaches, or as a primary instrument flight reference. During IFR operations they may be considered only an aid to situational awareness.”*

The intent of this NOTE No. 4 here in the Aeronautical Information Manual, page 1-1-41, paragraph f.1., applies to where the flight is conducted under an IFR flight plan / ATC clearance.

As for the practical use of these hand-held GPS receivers, it is not possible to use them for IFR navigation, GPS instrument approaches, or as a primary instrument flight reference. Hand-held GPS receivers do not provide appropriate monitoring systems to ensure signal integrity or data bases for instrument approach procedures. So a hand-held GPS receiver cannot be used for executing a GPS approach. [Ref. § 91.175(a)]. To date, there are no hand-held GPS receivers that are pre-programmed with GPS approaches that meet TSO C-129 (or its equivalent installation requirements) equipment approval for IFR use.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., all portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43.

Per FAA Order 8700.1 [page 222-7, paragraph 13.D.] states, in pertinent part:

“. . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of § 91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

Notice, this answer does not apply where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight meaning the flight is NOT being performed under an IFR flight plan / ATC clearance. Read the follow-on question and answer for that scenario.

{Q&A-170e}

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QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight is simulated instrument flight where the examiner / flight instructor acts as ATC? Emphasis added: “. . . *meaning the flight is NOT being performed under an IFR flight plan / ATC clearance . . .*” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems; FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight. Meaning the flight is NOT being performed under an IFR flight plan / ATC clearance.

And another basis for the answer being a *conditional* yes is because the hand-held GPS receiver must be capable of allowing the applicant to perform Area of Operation V. Navigation Systems of the Instrument Rating PTS, FAA-S-8081-4C. As per the Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems, it requires the applicant to be able to:

- Exhibits adequate knowledge of the elements related to intercepting and tracking navigational systems and DME arcs.
- Tunes and correctly identifies the navigation facility.
- Sets and correctly orients the radial to be intercepted into the course selector or correctly identifies the radial on the RMI.
- Intercepts the specified radial at a predetermined angle, inbound or outbound from a navigational facility.
- Maintains the airspeed within 10 knots, altitude within 100 feet (30 meters), and selected headings within 5 degrees.
- Applies proper correction to maintain a radial, allowing no more than three-quarter-scale deflection of the CDI or within 10 degrees in case of an RMI.

- Determines the aircraft position relative to the navigational facility or from a waypoint in the case of GPS.
- Intercepts a DME arc and maintains that arc within 1 nautical mile.
- Recognizes navigational receiver or facility failure, and when required, reports the failure to ATC.

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

And per FAA Order 8700.1 [page 222-7, paragraph 13.D.] applies and it states, in pertinent part:

“. . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of § 91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

Notice, this answer does not apply to instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance. Read the previous question and answer for that answer.

{Q&A-170e}

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QUESTION: Can a hand-held GPS receiver be used for navigation training for private pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the Private Pilot Certification practical test? Can a hand-held GPS receiver be Velcro taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used for navigation training for private pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the private pilot certification practical test. As per the Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude,  $\pm 200$  feet (60 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., all portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43.

Per FAA Order 8700.1 [page 222-7, paragraph 13.D.] states, in pertinent part:

“. . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of § 91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

{Q&A-170e}

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QUESTION: Can a hand-held GPS receiver be used for navigation training for commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation Task B. Radio Navigation and Radar Services on the Commercial Pilot Certification practical test? Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes, a hand-held GPS receiver may be used for navigation training for commercial pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the commercial pilot certification practical test. As per the Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude,  $\pm 100$  feet (30 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., all portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43.

Per FAA Order 8700.1 [page 222-7, paragraph 13.D.] states, in pertinent part:

“. . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of § 91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . .”

{Q&A-170e}

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**Situation 2: A person is undergoing training for an additional helicopter category and class rating at the commercial pilot certification level. The helicopter the person will be receiving training in is a non-IFR certified Robinson R-22.**

QUESTION. What are the minimum flight instruments and equipment requirements for this Robinson R-22 that are used for the instrument training for the add-on helicopter category and class rating at the commercial pilot certification level that is addressed in § 61.129(c)(3)(i)? Meaning the kind of instrument training where it does not require the filing of an IFR flight plan and flight is going to occur during daytime conditions.

ANSWER: Ref. § 61.129(c)(3)(i) and § 91.205(b); The instruments and equipment for the kind of instrument training required for § 61.129(c)(3)(i) during daytime conditions may be as minimal as the instruments requirements of § 91.205(b) with a portable communication receiver, and a portable VOR navigation receiver or some other kind of navigation receiver in the aircraft. As an example, if the training was given in a helicopter, the instrument and equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.

{Q&A-170e}

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QUESTION. Does the instrument training required by § 61.65(c) and (d) for the Instrument-Helicopter rating have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate? Does the instrument training required by § 61.129(c)(3)(i) for just the Helicopter rating at the commercial pilot certification level have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate?

ANSWER: Ref. § 61.195(c); Yes, the instrument training required by § 61.65(c) and (d) for the Instrument Helicopter rating has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

Yes, the instrument training required by § 61.129(c)(3)(i) for the helicopter rating at the commercial pilot certification level has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

{Q&A-170e}

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QUESTION. If the instrument training required by § 61.129(c)(3)(i) is given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate, can that time also be used to count toward the aeronautical experience of § 61.65(c) and (d)?

ANSWER: Ref. § 61.129(c)(3)(i) and § 61.65(c) and (d); Yes, the training given to satisfy the instrument training aeronautical experience of § 61.129(c)(3)(i) may also be used to count toward the aeronautical experience of § 61.65(d).

{Q&A-170e}

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**QUESTION:** A Part 141 school operator has a belief that the 3 hours of instrument training time obtained by a student graduate of a 141 private pilot course may be credited towards that students “instrument flight time” requirements of a Course of instruction leading to an Instrument Rating (Airplane). This was considered valid only when the Flight Instructor was qualified to teach Instruments (CFII).

The credit issue is the main focus of the question. Is this true and if so would all of the 3.0 hours count toward the 15 hour of Instrument flight time requirement of appendix C?

**ANSWER:** Ref. Part 141, Appendix C, paragraphs 2 and 4.(a)(1); No, the instrument training in a private pilot certification course of Part 141, Appendix B, paragraph 4.(b) cannot be counted for the instrument training course time requirements of Part 141, Appendix C, paragraph 4.(a)(1). Nor can the flight training “. . . on the control and maneuvering of an airplane solely by reference to instruments . . .” performed at the private pilot certification level under § 61.109 be counted.

As per Part 141, Appendix C, paragraph 4.(a)(1), an instrument rating course for initial instrument rating requires at least a minimum of 30 hours of training for the course to meet the time requirements of Part 141, Appendix C. And per Part 141, Appendix C, paragraph 2, to meet the eligibility for enrollment into the flight portion of the instrument rating course, a person must already hold at least a private pilot certificate with an aircraft category and class rating appropriate to the instrument rating for which the course applies.

Now, it is possible for a school to apply for a “reduced time course” for an instrument training course under § 141.55(d). The school would have to comply with the procedures set forth in § 141.55(d) to get initial approval for an instrument rating course of Appendix C of Part 141.

{Q&A-455}

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**QUESTION:** Does the 35 hrs. of instrument training in Appendix C of Part 141 all have to be under actual or simulated instrument conditions?

Excluding the provisions for use of a flight simulator or an FTD, we believe the intent of the regulations is a total of 35 hours of *instrument flight training*, not 35 hrs. in actual/simulated instrument conditions.

As discussed, our syllabi, which have been widely used for over 20 years throughout the U.S., all specify 35 hrs. (as a minimum) for the instrument rating.

We suggest trying to differentiate between actual/simulated instrument training and practical instrument flight training would be unnecessarily burdensome for both the FAA and flight school operators.

The subject came up previously in connection with an AGATE combined Private/Instrument Syllabus that we developed for ERAU, Daytona Beach, FL. We are raising the issue again because a Part 141 School using our syllabi has been questioned by the Fresno FSDO.

Part 141, Appendix C, para 4 (a) (1) specifies 35 hours of *instrument training*.

Part 61, section 61.1 (b), (10) defines instrument training as “that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions.”

Part 141 Appendix C, para. 4 (d) further requires “*flight training* on approved areas of operation listed in this paragraph.” Included in the paragraph for flight training are areas of operation such as Preflight Preparation, Preflight Procedures, Air Traffic Control Clearances and Procedures, Emergency Procedures, and Postflight Procedures.

**ANSWER:** Ref. Part 141, Appendix C, para. 4(a)(1) and § 61.1(b)(10); I think the essence of your question is that you're really asking me whether all time performed in an instrument rating course counts as “instrument training” or just that time the student has the hood on. AFS-840's policy on this kind of question has been that we've essentially said as long as a student and the instructor is adhering to that school's part 141-approved instrument rating course's lesson plan/syllabi, the time will be considered “instrument training.” We're not going to expect the student and the instructor to carry a stop watch for starting and stopping the logging of “instrument training.”

An instructor or school would not need to break down the times between taxiing out with the hood off and then the very second the student puts the hood on, the clock for logging “instrument training” starts and then when the hood comes off, the clock stops and back and forth and back and forth of starting and stopping the logging of “instrument training.” That is unreasonable to expect a flight instructor to use a stop watch approach for logging “instrument training.”

There is no rule that addresses what is the “start time” and “stop time” for logging “instrument training” in an instrument rating course.

{Q&A-411}

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**QUESTION:** Concerning interpretation of 141 appendix C and the 35 hrs instrument training. Part 141 Appendix C (instrument Rating Course) states in 4(a)(1) that the course must consist of 35 hours of instrument training if the course is for an initial rating.

The definition of “instrument training” is per § 61.1: “The time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions.”

Therefore an applicant for an instrument rating would have to have logged in excess of 35 total hours to obtain an instrument rating since not all of the flight lesson could be logged as “instrument instruction”.

Jeppesen shows an example of a suggested course layout for an instrument rating and suggests that the entire lesson time could be logged as instrument training. This seems to be in conflict with the literal language of the FAR.

When a review of § 61.51(g) is done, it is apparent that instrument flight time is defined as flight time when a person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions. It is my belief that when Jeppesen presented their example for completion of the instrument rating course in a table format that is misleading to the instructor and school and used it as a sales gimmick. See the attachment of the syllabus.

My Part 141 approved school thinks that because they must use a CFII for all of the instruction in a instrument rating course that they should be allowed to count all of the flight time as instrument instruction. However, the regulations do not allow any such definition.

Example: If the pilot taxis out for takeoff and does the engine run-up this time does not count toward the 35 hour instrument time? It should not because” #1. not flight time and #2. it was not done in simulated instrument flight conditions.

**ANSWER:** Ref. §1.1, § 61.51(g) and Part 141, Appendix C, para. 4(a)(1); In the scenario you have given, an instructor or school would not need to break down the times between taxiing out with the hood off and then the very second the student puts the hood on the clock for logging “instrument time” starts and then when the hood comes off, the clock stops and back and forth and back and forth.

However, we would not expect to have the student logging instrument flight time if the aircraft is having to taxi for 15 minutes to the run-up area at the airport. Then wait another 10 minutes to receive the ATC clearance because of all the radio traffic on ATC clearance delivery. At this point, the student goes through the normal instrument checklist procedures spelled out in the aircraft's flight manual which takes another 5 minutes to complete. And then because of further delays in receiving a takeoff clearance, there is another 15 minutes delay. Then after the student and instructor actually do takeoff, the student only flies for 20 minutes of actual “instrument flight time” with the hood on. And then because of the lengthy delays previously, the student and instructor have to return back to the airport so the instructor can meet his/her next student. And then on the return flight back to the airport, the student is flying without a view limiting device on for another 10 minutes. And then after landing, the student and instructor have to taxi to a holding area for another 10 minutes of waiting because of more ATC delays. And then when the instructor fills out the student's logbook, he tries to log the student with 1+20 hour of “instrument flight time.” That is not reasonable, nor is it acceptable under § 61.51(g). At best, that is only 0+25 minutes of “instrument flight time” [i.e. 0+20 minutes of actual “instrument flight time” with the hood on plus the 0+05 minutes for the instrument checklist] that is creditable to be logged as “instrument flight time.”

And even though I am tempted, I won't answer how much of the time should be charged to the student in aircraft rental and instructor time in a scenario like this. Hopefully, this situation doesn't happen often!

However, minimal amounts of time where the student is not wearing the view limiting device because of safety concerns in and around the airport because of air traffic safety concerns would be acceptable. And minimal amounts of time where the instructor is discussing an instrument procedure during the flight where the student

momentarily removes the hood is acceptable. But since this is the first time this kind of question has ever come up, I am not going to try to define "start time" and "stop time" of "instrument flight time." I don't believe there is a problem of our instructors and schools understanding what is "instrument flight time" and what isn't "instrument flight time."

However, in the example above where I gave examples of lengthy delays where the student and the instructor were doing absolutely nothing that even remotely involved "instrument flight time," I would only consider 0+25 minutes of that time creditable to be logged as instrument flight time.

{Q&A-408}

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**QUESTION:** Section 61.65 (d)(1) requires a person who applies for an instrument rating to have logged at least 50 hour of PIC cross country. Part 141, Appendix C does not have this requirement. Is this correct?

**ANSWER:** Ref. § 61.71(a): § 61.71(a) was revised in the new Part 61 to delete that requirement. Yes, it was intentional.

{Q&A-117}

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**QUESTION:** § 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. Part 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will the PTS be changed?

**ANSWER:** Ref. § 61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / § 61.127(b) / and Appx D, paragraph 4.(d) of Part 141: The areas of operation read exactly the same. The areas of operation of § 61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and § 61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then § 61.127(b) and Appendix D, paragraph 4.(d) are identical.

{Q&A-117}

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**QUESTION:** Does Part 141 Appendix C, Commercial Pilot Certification Course, para 2 requiring: ". . . prior to enrolling in the flight portion of the course a person must hold :

- a) at least a private pilot certificate
  - b) for airplane or powered lift, instrument rating or be enrolled in an instrument rating course"
- mean that:

1) The private pilot certification course or the instrument rating course can no longer be a part of the commercial pilot certification course, since the applicant must have possessed the private certificate and the instrument rating prior to enrolling ?

2) If the above is correct, then is it safe to say that the flight training hours flown during the private pilot certification course or during the instrument rating course can no longer be accepted as part of the flight training required by para 4 of Appendix D, for TCO certification purposes. ie: 120 hours for airplanes, or 115 hours for helicopters ?

**ANSWER:** Ref. Part 141, Appendix D, paragraph 2; A Private Pilot Certification Course and an Instrument Rating Course may be part of a Commercial Pilot Certification Course, provided (as per Part 141, Appendix D, paragraph 2) the person must hold ". . . at least a private pilot certificate . . . hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies . . . Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating . . ." before enrolling in the flight portion of the commercial pilot certification course. See Part 141, Appendix D, paragraph 2,(a) and (b). Just like the rule says, ". . . before enrolling in the flight portion of the commercial pilot certification course. . ." Now per § 141.57, the school is permitted to submit what is commonly referred to in the industry as a Professional Pilot Certification Course and not comply with the enrollment prerequisites of Part 141, Appendix D, paragraph 2. But remind the school about § 141.83(a)(2) when it comes time to renew. If the school doesn't have an 80% pass rate, then they'll lose their school certificate. Their choice.

{Q&A-81}

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**QUESTION:** Does the following stated information mean if I have a student that graduates from my Part 141 instrument rating course, he no longer (after August 4, 1997) has to meet the “50 hours are as pilot in command in cross country flight in a powered aircraft” of § 61.65(e)(1) and paragraphs (a), (b), (c), and (f) of § 61.123? ---

In the existing § 61.71(a), it states: “. . . However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of §§ 61.65(e)(1) and 61.123 (except paragraphs (d) and (e) thereof).” And § 61.65(e)(1) states: “A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross country flight in a powered aircraft with other than a student pilot certificate. Each cross country flight must have a landing at a point more than 50 nautical miles from the original departure point.” In the new § 61.71, the language referring to §§ 61.65(e)(1) and 61.123 has been dropped.

**ANSWER:** Ref. Part 141, Appendix C; A Part 141 graduate will no longer be required to meet the “50 hours are as pilot in command in cross country flight in a powered aircraft” of § 61.65(e)(1) and paragraphs (a), (b), (c), and (f) of § 61.123. The deleting of that provision was intentional, because we who drafted the rule believe our Part 141 school give such quality of training that a person who graduates from a Part 141 school provides an equivalent level of safety.

{Q&A-31}

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## **PART 141, Appendix D Commercial Pilot Course**

**QUESTION:** Can a FSDO approve a Part 141 Commercial Pilot – Airplane Certification Course that includes a minimum training time of only 35 hours of ground training and 120 hours of flight training and provides for training for the ASEL and AMEL rating in the same syllabus and permits a student to graduate from a Commercial Pilot – Airplane Certification Course who has only 190 hours of total time when he/she completes the course syllabus?

**ANSWER:** Ref. Part 141, Appendix D, paragraphs 3.(a)(1), 4.(a)(1) and (2), and 5. (a) and (b); Yes, a FSDO may approve a Commercial Pilot – Airplane Certification Course that provides for training for both the ASEL and AMEL ratings and allows a student to graduate with only 190 hours of total time. However, the breakdown on the course times must comply with Part 141, Appendix D, paragraphs 3.(a)(1), 4.(a)(1) and (2), and 5(a) and (b).

Ref. Part 141, Appendix D, paragraphs 3.(a)(1), 4.(a)(1) and (2), and 5.(a) and Appendix I, paragraphs 3 and 4.(a); Or, if the course was a combined Part 141, Appendix D Commercial Pilot – Airplane Certification Course for the ASEL rating and a Part 141, Appendix I AMEL Add-On Rating Course at the commercial pilot certification level, then the references would be Part 141, Appendix D, paragraphs 3.(a)(1), 4.(a)(1) and (2), and 5.(a) and Appendix I, paragraphs 3 and 4.(a)

{Q&A-495}

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**QUESTION:** Reference the use of the term “solo.” There is a solo requirement in Appendix B of Part 141 for private pilot certification and Appendix D of Part 141 for commercial pilot certification. Part 61 definition indicates “solo flight time” is sole occupant of the aircraft. Paragraph 5 of both Appendix B and D of Part 141 for the airplane multiengine course indicates “solo” can be something other than sole occupant. Is there a provision to log “solo flight time” when more than one person is in the aircraft?

**ANSWER:** Ref. § 61.51(d), Part 141, Appx. D, paragraph 5.(b)(2), and § 61.129(b)(4); The answer is no, there is no provision for a pilot to log “solo flight time” when another person is on board the aircraft. Per § 61.51(d), “solo flight time” means “. . . a pilot may log as solo flight time only that flight time when the pilot is the sole occupant of the aircraft.”

Below is what was stated in the final rule when the FAA revised paragraph 5.(b)(2) of Appendix D of Part 141 [i.e., “. . . performing the duties of pilot in command while under the supervision of certificated flight instructor . . .”] and § 61.129(b)(4) [i.e., “. . . or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor (either of which may be credited towards the flight time requirement in paragraph (b)(2) of this section) . . .”]

This is an excerpt of the preamble of the final rule correction document that was issued in the Federal Register (78 FR 20284; Amdt. No. 61-104) on April 23, 1998:

In addition, the FAA has revised § 61.129(b)(4) to permit an applicant for a commercial pilot certificate with a multiengine rating to credit the 10 hours of flight time performing the duties of PIC in a multiengine airplane required by that paragraph toward the 100 hours of PIC flight time required under § 61.129(b)(2). This revision is consistent with the provisions of § 61.129(b) as proposed in Notice No. 95-11. As previously noted, proposed § 61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. The solo flight time would have constituted PIC flight time; therefore, the applicant would have been able to credit that flight time toward the requirements of § 61.129(b)(2). However, under § 61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised § 61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of § 61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under § 61.129(b)(4) as PIC flight time under § 61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor.

{Q&A-457}

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**QUESTION:** Situation, my Part 141 school administers a pilot course of training titled the “Professional Pilot Course” that incorporates the Private Pilot-Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane, and Commercial Pilot--Airplane Single Engine Land rating all into one complete course. The complete course is broken down into:

- Stage 1 is to prepare the student for solo flight.
- Stage 2 is to prepare the student for solo cross country flight
- Stage 3 is the stage for completion of the Private Pilot Certification portion of the course
- Stage 4 is the navigation portion at the Commercial Pilot level
- Stage 5 is the complex airplane training at the commercial pilot level
- Stage 6 is the instrument training
- Stage 7 is the stage for completion of the Commercial Pilot-ASEL rating and Instrument-Airplane rating.

As stated above, our students actually accomplish the Private Pilot Certification phase of our “Professional Pilot Course” at the end of stage 3. However during stage 3, our students are already receiving training and performing commercial pilot tasks (i.e., steep turns, chandelles, lazy 8’s, etc.). By the time the students complete stage 3 of our “Professional Pilot Course,” the course exceed the Appendix B course requirements by 31 hours.

Is this procedure in our approved course comply with the provisions of Appendix D, paragraph 2.(a) which requires prior to enrollment in the flight portion of the commercial pilot certification phase of the “Professional Pilot Course” the person must hold a private pilot certificate? Our “Professional Pilot Course” is designed to ensure our students successfully pass their Private Pilot Certificate practical test. Keep in mind, our Stage 4 is what we officially identify as the beginning of the commercial pilot phase of our “Professional Pilot Course.” However, if you added up the time after completion of Stage 3 to the end of Stage 7, the time computes to 152 hours. And in comparison to adding up the course times for Appendixes C and D of Part 141, it computes to 155 hours. But keep in mind in Stage 3 of our “Professional Pilot Course” the person has received 31 more hours than what is required for Appendix B. And in Stage 3, the student is already being introduced to training on, and performance of commercial pilot certification tasks of Appendix D.

**ANSWER:** Ref. Part 141, Appendix D, paragraph 2.(a); The way the school has designed this “Professional Pilot Course,” the answer is yes this course does not conflict with Part 141, Appendix D, paragraph 2.(a). So, it is permissible for this school to design and receive approval of a “Professional Pilot Course” under § 141.57. And for further clarification purposes, it is permissible in this kind of course [emphasis added “Professional Pilot Course”]:

1. For a person to begin training on commercial pilot certification tasks before actually having received a private pilot certificate. Which in this particular “Professional Pilot Course” to have received training on commercial pilot certification tasks while the person is in Stage 3 of the training.

2. Before a person actually enrolls in the commercial pilot certification phase (Stage 4 in this particular "Professional Pilot Course") to be receiving training on commercial pilot certification Tasks. Which in this particular "Professional Pilot Course" to have received training on commercial pilot certification tasks while the person is in Stage 3 of the training.
  3. To credit that training on commercial pilot certification tasks and still have it count towards the 120 total hours requirement and the 55 dual hours requirement of Appendix D of Part 141. Which in this particular "Professional Pilot Course," the student received 23 hours of training on commercial pilot certification tasks while in Stage 3 of the training.
- {Q&A-339}
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**QUESTION:** Can a commercial pilot certification course for airplanes be approved for VFR only. The situation is a school wants approval for a Commercial Pilot Certification - Airplane Single Engine Land for VFR Only and not have the students already holding the appropriate instrument rating nor be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

**ANSWER:** Ref. Part 141, Appendix D, paragraph 2.(b)(2); The answer is no. As per Part 141, Appendix D, paragraph 2.(b)(2), it states "Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course." The students have to either already hold the instrument rating that is appropriate to the aircraft category rating or be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

{Q&A-335}

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**QUESTION:** Where the rule states ". . . accomplish the stage checks and end-of-course tests . . ." does this mean the school's training syllabus must have separate "stage checks" from the "end-of-course test?" As for example, Embry Riddle Aeronautical University wants to submit a training syllabus for their Commercial Pilot Certification Course-Airplane Single Engine Land with 3 stage checks, but they want to combine the 3rd stage check with their end of course test. Is this permissible, or must the "stage checks" be separate from the "end-of-course test?"

**ANSWER:** Ref. Part 141, Appendix D, paragraph 6(a); The rule is silent on this issue. Not even in § 141.55 does it require it. The "stage checks" can be separate from the "end-of-course test" or it can be combined. Part 141, Appendix D, paragraph 6(a) merely states:

"(a) Each student enrolled in a commercial pilot course must satisfactorily accomplish the stage checks and end-of-course tests, in accordance with the school's approved training course, consisting of the approved areas of operation listed in paragraph (d) of section No. 4 of this appendix that are appropriate to aircraft category and class rating for which the course applies."

There is no hidden meaning here. The school has the discretion to either separate the "stage checks" from the "end-of-course test" or it can be combine a "stage check" with the "end-of-course test." In fact, my experience with Part 141 schools when I was in the field, I found most schools did combine the last "stage check" with the "end-of-course test."

{Q&A-260}

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**QUESTION:** As I understand it Appendix D to FAR Part 141 is a stand alone instrument course of 120 hours for airplanes. The enrollment requirements are to hold an instrument rating for the category rating for which the course applies.

**ANSWER:** Ref. Appendix D of Part 141: No, you are not correct. Appendix D of Part 141 is for a Commercial Pilot Certification training course. Appendix C of Part 141 is for an Instrument Rating training course.

**QUESTION:** § 141.77(c)(2) states in summary "25% of the curriculum requirements may be credited for previous experience. Therefore if all other requirements of § 141.77 are met a commercial airplane applicant could be credited with up to 30 hours making the minimum course completion time 90 hours.

An applicant requires 60 hours to complete the private pilot airplane and has 35 hours of dual and 25 hours of solo. The applicant completes their instrument in a Part 141 school in 35 hours. The applicants' total time is now 90 hours.

If I am able to credit 30 hours in our Part 141 syllabus that will require 90 more hours of training. 90 hours + 60 hours + 35 hours = 180 hours.

It may not be the intent of the regulations, however is it true that in the above example the applicant may receive their commercial certificate in 180 hours?

**ANSWER:** Ref. Part 141, Appendix D, paragraph 2; You are not correct on any of your assumptions.

The applicant has to hold a private pilot certificate first. So all the time requirements of paragraphs 3 and 4, as appropriate, of Part 141, Appendix D have to be met after the applicant first holds a private pilot certificate. And as it states in paragraph 2.(b), must either “. . . hold an instrument rating . . . ; or . . . Be concurrently enrolled in an instrument rating course . . .” So again, all of the time requirements of paragraphs 3 and 4 of Part 141, Appendix D, as appropriate, have to be met in the commercial pilot certification course.

{Q&A-212}

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**QUESTION:** Situation is I am designing a Commercial Pilot Certification Course for an Airplane Single Engine Land. Does all 120 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

**ANSWER:** Ref. Part 141, Appendix D, paragraph 4.(a)(1); No, all the 120 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice the “120 hours” listed in paragraph 4.(a)(1) does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. Once you get to paragraph (4)(b)(1) is where the flight training with a certificated flight instructor is specifically identified and its states “55 hours.” And further subparagraphs (i) through (iv) is where the “dual” flight training is specific to the aircraft category and class. You would go to paragraph 5(a) to obtain the solo flight time requirements which in this case is 10 hours.

Now I know some of you are using your computers and adding 55 hours of dual time and 10 hours of solo time and saying the times only amount to 65 hours. You're asking where is the other 55 hours that add up to 120 hours? Right? Well the other 55 hours is decided by the schools. The rule was written this way to permit the schools to design their course to how they see fit.

{Q&A-177}

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**QUESTION:** Under the new 141\, For the allocation of credit towards a Commercial Syllabus requirements, can you still allocate training received during their Primary and Instrument training to meet requirements for the Commercial? If so, Can a Commercial Pilot graduate with only 120 hours total?

**ANSWER:** Ref. Appendix D, paragraph 4(a)(1) requires 120 hours. Notice in Appendix D, paragraph 2(a) and (b) the eligibility requirements for a commercial pilot applicant is to hold a private pilot certificate and if enrolling in an airplane or powered-lift rating course to either hold an instrument rating or be concurrently enrolled in an instrument rating course that is appropriate to the rating sought. This new rule did not reduce the requirements of Appendix D [except as provided for in § 141.55 (d) and (e)], so a person must have at least 190 hours of aeronautical experience just like the old requirements. Notice the training breakdown requirements, for example for an airplane rating:

Appendix B - Private Pilot Certification Course:	35 hours
Appendix C - Instrument Rating Course:	35 hours
Appendix D - Commercial Pilot Certification Course:	<u>120 hours</u>
Total	190 hours
	=====

No, you cannot allocate training received during the private and instrument training toward the commercial pilot certification course's requirements of 120 hours.

{Q&A-149}

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**QUESTION:** We have a question from a major 141 flight school in reference to Appendix D, Commercial Pilot Certification Course.

Under 4(a)(1), does the 120 hours of training for an airplane include the training received under the Private and Instrument Courses or is it in addition to that total time?

**ANSWER:** Ref. Part 141, App. D, para. 4.(a)(1); The answer is no.  
{Q&A-131}

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**QUESTION:** Part 141, Appendix D, paragraph 4.(b)(2) states: “(2) *For an airplane multiengine course:* 55 hours of flight training from a certificated flight instructor on the approved areas of operation listed in paragraph (d)(2) of this section that includes at least —”

Does all 55 hours have to be in a multiengine airplane?

**ANSWER:** Ref. Part 141, Appendix D, paragraph 4.(b)(2)(ii); No; Only that time specified in subparagraphs (i) through (iv) of Part 141, Appendix D, paragraph 4.(b)(2)(i) must be in a multiengine airplane. Additionally, the time specified in subparagraphs (1) through (4) of Part 141, Appendix D, paragraph 5.(b) must be in a multiengine airplane.  
{Q&A-100}

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**QUESTION:** Per Part 141, Appx. D, para. 4.(c) of the Commercial Pilot-Airplane Certification Course, what is percentage of use of flight simulators and flight training devices based on? Is the percentage based on total course time of 155 hours of paragraph 4.(a)(1) or the 55 hours of flight training time in paragraph (b)(1)?

**ANSWER:** Ref. § 61.51(h) and Part 141, Appx. D, para. 4.(c); On the 155 hours, but time spent in a flight training device/flight simulator, there must be an authorized instructor present to monitor and verify the training. This is required by § 61.51(h).  
{Q&A-45}

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**QUESTION:** Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

**ANSWER:** Ref. § 61.51(e)(4); Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time.  
{Q&A-74}

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## **PART 141, Appendix E Airline Transport Pilot Course**

**QUESTION:** You have answered the question concerning required pilot time for the ATP in Q&A # 457. However, some members of the class would like you to expound upon it. Why go to § 61.159 for this one? How is this different from the private pilot and commercial pilot certification courses that simply allow a person to take the practical test upon completion? Is it just an oversight or what?

**ANSWER:** Ref. Part 141, Appendix E, paragraph 2.(b); Paragraph 2.(b) was a mistake how it was written with the word “or” at the end of paragraph 2.(c). In the upcoming rewrite of Part 141 (*which the NPRM is finished and is in coordination for receiving approval from the FAA's Office of Rulemaking's Rulemaking Council*), paragraph (2) has been rewritten as follows:

2. Eligibility for enrollment. Before enrolling in the flight portion of the airline transport pilot certification course, a person must meet the aeronautical experience requirements under subpart G of part 61 of this chapter for an airline transport pilot certificate that is appropriate to the aircraft category and class rating for which the course applies, and:
  - (a) Hold at least a commercial pilot certificate and an instrument rating;

- (b) Meet the military experience requirements under § 61.73 of this chapter to qualify for a commercial pilot certificate and an instrument rating, if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or
- (c) Hold either a foreign airline transport pilot license or foreign commercial pilot license and an instrument rating, if the person holds a pilot license issued by a contracting State to the Convention on International Civil Aviation.

In the preamble of the draft NPRM, the FAA makes the following statement to justify this change:

*(115) Proposal to reformat 14 CFR part 141, Appendix E, paragraph 2 for the approved ATP certification course.*

The FAA proposes to reformat 14 CFR part 141, Appendix E, paragraph 2 to establish that a person must first meet the aeronautical experience requirements under 14 CFR part 61, subpart G for an airline transport pilot certificate prior to enrolling in the flight portion of an ATP certification course. The purpose for this proposal is so that paragraph 2 of 14 CFR part 141, Appendix E clearly states that a person must first meet the aeronautical experience requirements that is appropriate to the aircraft category and class rating for which the ATP certification course applies prior to enrolling in the flight portion of the course.

Currently, paragraph 2 of 14 CFR part 141, Appendix E would lead someone to believe that a person could meet subparagraphs (a) or (b) or (c) or (d) of paragraph 2 of 14 CFR part 141, Appendix E and be eligible to enroll and graduate from an ATP certification. This is not correct; therefore the FAA proposes to amend subparagraph (a) of paragraph 2 to merge it into the lead-in language of paragraph (2). The remaining paragraphs would be appropriately re-designated as (a) – (c).

However, regardless of the mistake in the rule (*which is being corrected*), a person who makes application for the Airline Transport Pilot [Airplane Single Engine Land/Sea, Airplane Multiengine Land/Sea, Helicopter, or Powered-Lift] practical test must have met the appropriate aeronautical experience requirements of Subpart G of Part 61 in order to apply and be issued an Airline Transport Pilot Certificate.  
{Q&A-535}

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**QUESTION:** Is it legal for pilot who holds a Commercial Pilot Certificate and Instrument Airplane rating to enroll in a school's Part 141 approved ATP Certification Course. Considering the use of part 61.71 relating a graduation certificate, if our student completes the ATP Certification Course and is issued a graduation certificate but only has 250 total flight time what will prohibit him from applying for ATP certificate.

**ANSWER:** Ref. § 61.153(e), and Part 141, Appendix E, paragraph 2; Yes, it is legal for that pilot to enroll in a school's Part 141 approved ATP Certification Course. The prerequisite eligibility requirements for enrollment in a Part 141 approved ATP certification course is either subparagraph (a) or (b) or (c) or (d) of paragraph 2 of Appendix E, Part 141. The holder of a commercial pilot certificate with an instrument rating and a total of 250 hours of flight time may enroll in a Part 141 ATP certification course by meeting the enrollment requirements of paragraph 2.(b), Appendix E of Part 141.

However, this pilot will not be eligible to apply for the ATP certificate upon graduation nor until he/she has met all of the eligibility requirements as stated in § 61.153. Per § 61.153(e), to make application for an ATP certificate, a person must meet all appropriate aeronautical experience requirements of § 61.159.  
{Q&A-457}

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**QUESTION:** Does a military pilot that meets the requirements of 61.73 have to “hold” the commercial pilot certificate or simply meet the requirements of 61.73 where it addresses that provision in paragraph 2.(c) of Part 141, appendix E?

**ANSWER:** Ref. Part 141, appendix E, paragraph 2.(c); The military pilot only needs to have met the “. . . military experience requirements under § 61.73 of this chapter to qualify for a commercial pilot certificate and an instrument rating . . .” It does not require the military pilot to actually hold a commercial pilot certificate and an instrument rating.  
{Q&A-424}

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**QUESTION:** Part 141, Appendix E, paragraph 2 is any one of the subparagraph (a) or (b) or (c) or (d) sufficient for enrollment in an ATP certification course.

**ANSWER:** Ref. Part 141, Appendix E, paragraph 2 and § 61.153; Yes, the prerequisite eligibility enrollment in order to enroll in a Part 141 approved ATP certification course is either subparagraph (a) or (b) or (c) or (d). However, in order for a person to be able to make application for an ATP certificate, a person must meet the prerequisite certification requirements of § 61.153 and meet the APPROPRIATE prerequisite aeronautical experience requirements as stated in paragraph (e) of § 61.153. So yes, a holder of a commercial pilot certificate with an instrument rating with say a total flight time of 250 hours may ENROLL in an ATP certification course by meeting paragraph 2.(b) of Appendix E of Part 141; however the person cannot APPLY for an ATP certificate in accordance with § 61.153.

{Q&A-401}

## **PART 141, Appendix F Flight Instructor Course**

**QUESTION:** Appendix F provides for two years of educational study being credited for the FOI training requirement on the Flight Instructor Certification Course. Why is there no provision for holder of a ground instructor certificate, who has already satisfied FOI training and testing requirement, to be given credit for FOI and not required to repeat that training?

**ANSWER:** Ref. Part 141, App. F, paragraph 3.(c); The issue of awarding credit to a holder of a ground instructor certificate in the manner provided by paragraph 3.(c), Appendix F of Part 141 to give credit to a student who satisfactorily completes 2 years of study on the principles of education at a college or university was just never considered when we last rewrote Part 141 in 1997. I agree that a person who holds a ground instructor certificate probably should be given some credit for the training requirements of paragraph 3.(a)(1). This topic should be a matter that we consider when and if we ever get another NPRM out on Part 141. But, the only way to do this is to write a rule that provides for it. We certainly can't do it by issuing a policy statement.

{Q&A-457}

**QUESTION:** Situation is I am designing Flight Instructor Certification Course for a Airplane Multiengine Land Rating. Does all 25 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

**ANSWER:** Ref. Part 141, Appendix F, paragraph 4.(a)(1); No, all the 25 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice subparagraph (1) of paragraph 4.(a) states, in pertinent part, “. . . 25 hours . . .” Notice it does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. It was written that way to permit the schools to design their course to how they see fit. Only in paragraph (b) of Part 141, Appendix F does the rule limit the amount of time in a flight simulator or flight training device.

{Q&A-177}

**QUESTION:** Part 141, Appendix F, Paragraph 4 (a)(1), requires 25 hours of flight training. Paragraph 1 states this appendix is for initial and additional flight instructor courses. With this in mind, is 25 hours of flight training also required for the additional flight instructor courses?

**ANSWER:** Ref. Part 141, Appendix F, Paragraph 4 (a)(1); Yes, additional flight instructor ratings and initial flight instructor certification courses are the same. However, don't forget § 141.55(d) and (e) that allows schools to submit courses with less than the required training hours.

{Q&A-117}

## **PART 141, Appendix G Instrument Flight Instructor**

**QUESTION:** Situation is, I have an applicant for an initial Flight Instructor Certificate for an Instrument-Airplane rating who completed an Appendix G, Part 141 - Flight Instructor Instrument - Airplane Rating Certification

Course. Does this initial CFI Instrument-Airplane applicant and the Appendix G, Part 141-Flight Instructor Instrument Airplane Rating course have to have training and endorsement on being competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures?

**ANSWER:** Ref. Appendix F of Part 141, paragraph 5.(b) and Appendix G of Part 141, paragraph 4.(c); No on both accounts. The student enrolled in an Appendix G, Part 141 Flight Instructor, Instrument - Airplane Rating course is not required to have training and endorsement for instructional proficiency on stall awareness, spin entry, spins, and spin recovery procedures. Nor is the Appendix G, Part 141 Flight Instructor, Instrument - Airplane Rating course required to provide training on instructional proficiency on stall awareness, spin entry, spins, and spin recovery procedures. A review of Appendix G of Part 141, paragraph 4.(c) does not require any training on instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures.  
{Q&A-372}

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**QUESTION:** In summary, a university has applied for an Appendix G of Part 141 Flight Instructor-Instruments Certification Course. Is there any way a Flight Instructor-Instruments Certification Course can be approved without requiring "Fundamentals of Instruction" (FOI) training for those persons who already hold a Flight Instructor Certificate?

We don't seem to see any way to avoid having a certified CFI having to repeat the training. After reviewing Part 141 we have not been able to determine how we can approve the CFII TCO for the university. The way we read § 141.77 is that student must complete the entire TCO for the course which includes the FOI training which they received in the CFI TCO. The special curriculum courses do not appear to provide a means of a CFI to by-pass the FOI training required by appendix G for the CFII.

We need further guidance on approval of a CFII TCO which does not include all of the requirements of appendix G. Specifically paragraph 3 (B). which states that "Ground training must include the following aeronautical knowledge areas: Fundamentals of Instruction:....

If the ability to give credit for previous training is allowed in this case I think we should see it in writing prior to allowing this TCO to be approved.

**ANSWER:** Ref. Part 141, Appendix G, paragraph 3.(b)(1); Yes, an Appendix G of Part 141 Flight Instructor-Instruments Certification Course can be approved without requiring "Fundamentals of Instruction" training for those persons who meet any of qualifications as stated in § 61.183(e)(1), (2), or (3). The way you'd go about it to make it perfectly legal to approve such a course is, in accordance with § 141.55(c)(7)(i) [i.e., "... The prerequisites for enrolling in the ground and flight portion of the course . . ."], the school would add some additional language in the training course outline as follows:

In the text of the training course outline in the "Prerequisite for Enrollment" paragraph, language would be added that would state training on fundamentals of instructing are required except for persons who hold any of the following qualifications:

- (a) A flight instructor certificate and ratings that are appropriate to the flight instructor instrument rating for which the course applies;
- (b) A ground instructor certificate;
- (c) A current teacher's certificate issued by a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher; or
- (d) Is employed as a teacher at an accredited college or university.

Additionally, in the text of training course outline where the fundamentals of instructing are stated, language would be added that would state this training is required except for persons who hold any of the following qualifications:

- (a) A flight instructor certificate and ratings that are appropriate to the flight instructor instrument rating for which the course applies;
- (b) A ground instructor certificate;
- (c) A current teacher's certificate issued by a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher; or
- (d) Is employed as a teacher at an accredited college or university.

{Q&A-213}

## PART 141, Appendix I Additional Category Or Class

**QUESTION:** On a § 141.55(d)/(e) reduced time course, for an add-on Airplane Multiengine Land class rating course at the Commercial Pilot Certification level, do I have to include all the cross country flights that are required and have been flown during the Commercial Pilot Certification Course for the Airplane Single Engine Land rating?

**ANSWER:** Ref. Part 141, appendix I, paragraph 4(a); The minimum required course times for an add-on Airplane Multiengine Land class rating course at the Commercial Pilot Certification level are as follows:

Commercial Pilot Certification Level: Dual - 10 hours flight training on the areas of operations of Part 141, Appendix D, paragraph 4.(d)(2), that includes at least-

1. 5 hours of instrument training in a multiengine airplane; (*see Note 24*)
2. 10 hours in a complex multiengine airplane;
3. 1 cross-country of 2 hours duration in day-VFR conditions in a multiengine airplane;
4. 1 cross-country of 2 hours duration in night-VFR conditions in a multiengine airplane; and
5. 3 hours of flight training in a multiengine airplane in preparation for the practical test within the preceding 60 days prior to the practical test.

Max. usage of flight simulators = 3 hours

Max. usage of flight training devices = 2 hours

Max. combined usage of flight simulators and flight training devices = 3 hours

**NOTE:** See the "Aeronautical Experience Check List" which is a file that contains an aeronautical experience checklist to assist in checking an applicant's FAA Form 8710-1-Airman Certificate and/or Ratings:

<<http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>>

{Q&A-630}

**QUESTION:** A pilot school wants to have an Appendix I - additional class rating course that adds a seaplane rating to a Commercial Pilot ASEL certificate. According to the Aeronautical Experience Checklist, the course would have to include 10 hours of complex single engine airplane time. However, the PTS (under Aircraft and Equipment Required for the Practical Test) states that a complex aircraft is not required for the test if the applicant holds a commercial pilot certificate with a single or multiengine class rating. In view of that, is the 10 hours of training needed? Moreover, as no cross country testing is required by the PTS for an add-on, and since the holder of a commercial pilot certificate has already been trained and tested on navigation, are the two cross-country flights required. If not, how many hours of training would be required?

**ANSWER:** Ref. Part 141, Appendix I, paragraph 4(a) and Commercial Pilot Practical Test Standards for Airplane (SEL, MEL, SES, MES) FAA-S-8081-12B; page 7; There is a separation between what is required to be in a Part 141 training course and what is allowed procedurally on the practical test. The required hours of training for a seaplane (*i.e.*, ASES) add-on rating course at the Commercial Pilot Certification level is as stated below and there aren't any exceptions provided in the rule for the kind of relief you have asked about. This is one of these unique situations where if a pilot school wanted relief from the training requirements of Part 141, that pilot school may want to apply for a grant of exemption from Part 141, Appendix I, paragraph 4(a). Or the pilot school may want to conduct the training outside of Part 141. But the required training under Appendix I of Part 141 for a seaplane (*i.e.*, ASES) add-on rating course at the Commercial Pilot Certification level is as follows:

C. Commercial Pilot Certification Level: Dual - 10 hours of flight training on the areas of operations of Part 141, Appendix D, paragraph 4.(d)(1), that includes at least-

1. 5 hours of instrument training in a single engine airplane; (*see Note 24*)
2. 10 hours in a complex single engine airplane;
3. 1 cross-country in a single engine airplane of 2 hours duration in day-VFR conditions;
4. 1 cross-country in a single engine airplane of 2 hours duration in night-VFR conditions; and
5. 3 hours of flight training in a single engine airplane in preparation for the practical test within the preceding 60 days prior to the practical test.

Max. usage of flight simulators = 3 hours

Max. usage of flight training devices = 2 hours

Max. combined usage of flight simulators and flight training devices = 3 hours

{Q&A-614}

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**QUESTION:** Concerning a Part 141 Appendix I add-on course that involves an add-on of an aircraft category rating (*emphasis added: an add-on aircraft category rating*), is it required that all of the 55 training hours be in the new category and class aircraft? For example, if a military helicopter pilot wishes to take an add-on multiengine airplane course at the commercial pilot certification level, would the entire 55 hours have to be in a multiengine airplane?

**ANSWER:** Ref. Part 141, Appendix I, paragraph (4)(a); This answer applies to a person who is applying for an add-on Airplane Multiengine [Land] / [Sea] rating at the commercial pilot certification level. *Emphasis added:* “add-on.” All 55 hours have to be accomplished in a multiengine [Land] / [Sea] airplane, as appropriate, or as authorized in a flight simulator or flight training device that is representative of a multiengine [Land] / [Sea] airplane. As per paragraph (4)(a), it states “. . . (a) Each approved course for an additional aircraft category rating or additional aircraft class rating must include the flight training time requirements and flight training on the areas of operation that are specific to that aircraft category and class rating and pilot certificate level for which the course applies as required in appendix A, B, D, or E of this part, as appropriate.” *Emphasis added:* “. . . that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .”

The answer that I have provided in the “Aeronautical Experience Checklist” that is located on the AFS-600 website [*see <http://av-info.faa.gov/data/640otherfaq/aero-exp.doc>*] states the following

*XCII. Additional category and class rating in an airplane category and a multiengine class course*

B. Commercial Pilot Certification Level: Dual - 55 hours flight training on the areas of operations of Part 141, Appendix D, paragraph 4.(d)(2), that includes at least-

1. 5 hours of instrument training in a multiengine airplane; (*see Notes 22 and 23*)
2. 10 hours in a complex multiengine airplane;
3. 1 cross-country of 2 hours duration in day-VFR conditions in a multiengine airplane;
4. 1 cross-country of 2 hours duration in night-VFR conditions in a multiengine airplane; and
5. 3 hours of flight training in a multiengine airplane in preparation for the practical test within the preceding 60 days prior to the practical test.

Max. usage of flight simulators = 16.5 hours

Max. usage of flight training devices = 11 hours

Max. combined usage of flight simulators and flight training devices = 16.5 hours

And the areas of operations of Part 141, Appendix D, paragraph 4.(d)(2) apply specifically to the airplane multiengine course.

{Q&A-535}

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**QUESTION:** What is the total amount of flight training time for a course at the commercial level if the course objective is to enroll a student that holds a commercial pilot certificate with a rotorcraft/gyroplane rating and provide the training for commercial pilot, rotorcraft/helicopter rating.

**ANSWER:** Ref. Part 141, Appendix I, paragraph 4 and the Aeronautical Checklist that is listed in the AFS-600 Q&A web site; The Aeronautical Checklist is listed in the AFS-600 Q&A web site and the document is titled as:

3. “[aero-exp.pdf](#)” which is a file that contains an aeronautical experience checklist to assist in checking an applicant’s FAA Form 8710-1 - Airman Certificate and/or Ratings.

The answer to your question is:

*XCVI. Additional class rating in a rotorcraft category and a helicopter class course*

C) Commercial Pilot Level: Dual - 5 hours flight training on the areas of operations of Part 141, Appendix D, paragraph 4.(d)(3), that includes-

- 1) 5 hours of instrument training;

- 2) 1 X-C in a helicopter of 2 hours duration in day-VFR conditions;
- 3) 1 X-C in a helicopter of 2 hours duration in night-VFR conditions; and
- 4) 3 hours of flight training in a helicopter in preparation for the practical test within the <60 days prior to the practical test.

Max. usage of flight simulators = 1 hour

Max. usage of flight training devices = 0.7 hour

Max. combined usage of flight simulators and flight training devices = 1 hour

{Q&A-401}

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**Previous questions for minimum course times have been deleted because those requirements are now covered in the Aeronautical Experience Checklist at the end of this document**

**SITUATION:** For these questions the existing school has a “Provisional Pilot School” certificate issued three months ago. The school wants to write a syllabus for an added multiengine class rating to be added to an “existing” Private Pilot certificate, airplane single engine land. We go to Appendix I, paragraph 3. and paragraph 4 (a) to determine the required hours and content of the Knowledge (ground) training and hours and content for the flight training for this added class course at the Private Pilot Certificate level.

In this case the school cannot request a reduction of flight training hours or knowledge training hours, (Reduced Time Course) since they are a Provisional Pilot School and do not comply with the requirement to have held a “Pilot School Certificate” for 24 calendar months. [§ 141.55 (d)(1)] Additionally, this school will not meet the requirement to apply for “reduced time course” for 45 more months. (Reference, § 141.55 (d)(1), held Pilot School Certificate for 24 months and Provisional Pilot School Certificate for 24 months.)

My specific questions are:

**QUESTION:** Based on the last phrase of paragraph 3 and the last phrase of paragraph 4 (a), “as appropriate”, does a POI have the latitude to approve a TCO for the above described course that contains less than the 35 hours of knowledge training required by appendix B, paragraph 3(a)(1)?

**ANSWER:** Ref. Appendix I, paragraph 3; Yes, a school may request and the POI has the authority to approve a course of ground training that is less than 35 hours of aeronautical knowledge training. As per Appendix I, paragraph 3 it states, in pertinent part, “. . . on the aeronautical knowledge areas that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .” The key words here “. . . are specific to that aircraft category and class rating and pilot certificate level . . .” Paragraph 3 doesn’t establish a set amount of hours of aeronautical knowledge areas, so the hours of ground training would only be those aeronautical knowledge areas that “. . . are specific to that aircraft category and class rating and pilot certificate level . . .” So an ASI should review the course content and make a determination whether the course content is adequate. But I will repeat this statement that I’ve said many times before in previous answers to approving Part 141 courses:

As I’ve said when answering many of the questions on Part 141:

I realize for all of us the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school’s success and the course’s success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time. In approving training courses, the new Part 141 has reduced the need for a lengthy review process.

The ASI should defer to the school’s recommended course until we the FAA prove the school wrong by the school’s quality of training shows falling below the success rate of 80%.

Per Part 141, Appendix I, paragraph 3, it states: “Aeronautical knowledge training. Each approved course for an additional aircraft category rating or additional aircraft class rating must include the ground training time

requirements and ground training on the aeronautical knowledge areas **that are specific** to that aircraft category and class rating and pilot certificate level for which the course applies as required in appendix A, B, D, or E of this part, as appropriate.”

**QUESTION:** Based on question 1 above but going to appendix D (Commercial Pilot Certification Course). The above described Provisional Pilot School wants to add a course of training to add a multiengine class rating to an existing commercial pilot certificate, airplane single engine land. Can the POI approve this course for an added multiengine class rating, Commercial Pilot level, if the total knowledge training for this course is less than 35 hours?

**ANSWER:** Ref. Appendix I, paragraph 3; Yes, a school may request and the POI has the authority to approve a course of ground training that is less than 35 hours of aeronautical knowledge training. As per Appendix I, paragraph 3 it states, in pertinent part, “. . . on the aeronautical knowledge areas **that are specific** to that aircraft category and class rating and pilot certificate level for which the course applies . . .” See my answer in Answer 1. The same reasoning applies there as it applies here in Answer 2.  
{Q&A-282}

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**QUESTION:** Based on the added multiengine class rating course at the private pilot level described above, is the minimum flight time for this private pilot level, added multiengine class course, 3 hours, as described in part 141, appendix B, paragraph 4 (b) (2)(i)(ii)(iii)(iv)?

**ANSWER:** Ref. Appendix I, paragraph 4(a); As per Appendix I, paragraph 4(a) it states, in pertinent part, “. . . that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .” Therefore for an add-on airplane multiengine land course at the Private Pilot Certificate level, the minimum flight training for Part 141 course would be:

*XCII. Additional rating in an airplane category and a multiengine class*

A) Private Pilot Level: Dual - 20 hours flight on the areas of operations of Pt. 141, Appx. B, para. 4.(d)(2), that includes-

- 1) 3 hours of X-C training in a ME airplane;
- 2) 3 hours of night flight training in a ME airplane;
- a) 1 X-C flight of over 100 nm total distance in a ME airplane; and
- b) 10 T/O's and 10 Ldgs in a ME airplane with each involving a flight in the traffic pattern.
- 3) 3 hours of instrument training in a ME airplane; and
- 4) 3 hours of flight training in a ME airplane in preparation for the practical test within the <60 days prior to the practical test.

Max. usage of flight simulators = 3.6 hours

Max. usage of flight training devices = 2.4 hours

Max. combined usage of flight simulators and flight training devices = 3.6 hours

{Q&A-282}

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**QUESTION:** If the answer to number 1 and 2 above is “yes”, the POI does have the latitude to approve knowledge training hours of less than 35, would you agree that the POI has the same latitude if the added class course is at the Recreational or ATP level?

**ANSWER:** Ref. Part 141, Appendix I, paragraph 3 and 4(a); As stated previously in Answers 1 and 2, “. . . a school may request and the POI has the authority to approve a course of ground training that is less than . . .” However, I don't agree with your statement that it is a reduction in hours. Under Appendix I, paragraphs 3 and 4(a) we only state “. . . that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .” We didn't establish a set amount of hours. It has to be determined by reading the appropriate Appendix, just like if your question had asked about an add-on airplane multiengine land course at the Commercial Pilot Certificate level, the minimum flight training for Part 141 course would have been:

*XCII. Additional rating in an airplane category and a multiengine class*

B) Commercial Pilot Level: Dual - 55 hours flight on the areas of operations of Pt. 141, Appx. D, para. 4.(d)(2), that includes-

- 1) 5 hours of instrument training in a ME airplane;
- 2) 10 hours in a complex multiengine airplane;

- 3) 1 X-C of 2 hours duration in day-VFR conditions in a ME airplane;
  - 4) 1 X-C of 2 hours duration in night-VFR conditions in a ME airplane; and
  - 5) 3 hours of flight training in a ME airplane in preparation for the practical test within the <60 days prior to the practical test.
- Max. usage of flight simulators = 3 hours  
Max. usage of flight training devices = 2 hours  
Max. combined usage of flight simulators and flight training devices = 3 hours

And if you had asked for add on airplane multiengine land course at the ATP Certificate level, the minimum flight training for Part 141 course would have been:

***XCII. Additional rating in an airplane category and a multiengine class***

C) At the ATP Level: Dual - 25 hours flt tng in a ME airplane on the areas of operation of Pt. 141, Appx. E, para. 4.(c) that includes 15 hours of instrument tng.

Max. usage of flight simulators = 7.5 hours

Max. usage of flight training devices = 5 hours

Max. combined usage of flight simulators and flight training devices = 7.5 hours

But none of these course related to § 141.55(d), because as you correctly stated § 141.55(d)(1) states “(1) The school holds a pilot school certificate issued under this part and has held that certificate for a period of at least 24 consecutive calendar months preceding the month of the request;” A provisional pilot school wouldn’t qualify for a reduced hour course.

{Q&A-282}

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## **PART 141, Appendix K Special Preparation Courses**

**QUESTION:** Could a pilot school be approved to conduct a flight dispatcher qualification course under Appendix K - “Special Operations Course” or under § 141.57?

**ANSWER:** Ref. Part 141, Appendix K, paragraphs 2 and 9 and § 141.11(b); The answer is no, a pilot school may not be approved to conduct a flight dispatcher qualification course under Part 141. Part 141 is applicable to approved courses that relate to training pilots, flight instructors, and ground instructors for certificates, ratings, operating privileges, or special mission operations. Part 141 is not appropriate for non flight crewmember training. Section 141.11(b) establish what training courses may be approved to be conducted under Part 141.

This answer is similar to Q&A-424 when I was asked previously about a request for approving a Part 141 training course for a flight nurse crewmember position.

{Q&A-541}

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**QUESTION:** Is there any provision that permits the graduate of a Part 141 flight instructor refresher course [Appendix K(11)] to receive an automatic renewal of his or her certificate as happens at the end of such flight instructor refresher clinics?

**ANSWER:** Ref. § 61.197(a)(2)(iii); Yes, it is permissible for a person who completes a “*Flight Instructor Refresher Course*” [i.e., Part 141, Appx. K, paragraph 11] to be considered to have completed an approved Flight Instructor Refresher Course. And per § 61.197(a)(2)(iii) and in accordance with this rule, it states “. . . A person who holds a flight instructor certificate that has not expired may renew that certificate by-- . . . Presenting to an authorized FAA Flight Standards Inspector-- . . . A graduation certificate showing that, within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both.”

{Q&A-509}

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**QUESTION:** Appendix K courses are generally related to pilot or flight crew-member courses. Could appendix K under “Special Operations Course” be used for a flight nurse course of a non-crewmember high altitude chamber course?

**ANSWER:** Ref. Part 141, Appendix K, paragraphs 2 and 9; The answer is no, an Appendix K course for flight nurses (i.e., non pilot flight crewmember) can not be approved under Part 141.  
{Q&A-424}

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**QUESTION:** For clarification, have "Test Preparation Courses" been eliminated by replacing the old Appendix H with the new Appendix K?

**ANSWER:** Ref. Part 141, Appendix K; The "Test Preparation Courses," of the old Appendix H of Part 141 was eliminated and the restructuring of all of the Appendixes of Part 141 have been incorporated into the different Appendixes throughout. And yes, Appendix K contains some of those courses.  
{Q&A-195}

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**QUESTION:** In the past, Flight Instructor Refresher Courses were always approved by you in AFS-40. I noticed in the new Part 141, Appendix K, paragraph 11, it states the requirements for a Flight Instructor Refresher Course. Can the individual FSDO's now approve Flight Instructor Refresher Courses?

**ANSWER:** Ref. Part 141, Appendix K, paragraph 11; Yes, the guidance for approving this course is contained in AC 61-83D. If you have additional questions, please feel free to contact AFS-840.  
{Q&A-135}

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**QUESTION:** In Part 141 Appendix K Section 11, Flight Instructor Refresher Course is stated: "... must include 16 hours of aeronautical knowledge training, flight training, or any combination of ground and flight training on the following."

Does this mean that if I have 16 hours of only ground training it would fulfill the requirement? I have called several FSDO's and other parties they have given me different answers like..

1. Yes, you can complete this requirement with only ground training.
2. No, you have to have ground and flight training.

**ANSWER:** Ref. Part 141, Appendix K, paragraph 11; Yes, you can complete this requirement with only ground training. Reference Part 141, App. K, para. 11; It can be as "... at least 16 hours of aeronautical knowledge training, flight training, or **any** combination of ground and flight training on the following-" or otherwise that rule states 16 hours of ground training or 16 hours of flight training or any combination of ground and flight training on the following.  
{Q&A-132}

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## **PART 141, Appendix L Pilot Ground School School Courses**

**QUESTION:** I have received a copy of your email that you sent to the DuPage FSDO concerning our written test preparation courses. I saw no mention in your email about training courses approved under Part 141, Appendix L. I wanted to be sure you were aware that the courses in question are not the Part 141, Appendix B [i.e., Private Pilot-Airplane] course or Appendix C [Instrument-Airplane] course, but ground training courses approved under Part 141, Appendix L. We are not dealing with pilot certification courses but knowledge test preparation courses.

Part 141, Appendix L refers to an "adequate" number of hours to cover the material. I take it then that your interpretation of "adequate" is that it be the same number of hours as in the pilot certification courses, such as in Part 141, Appendix B or C? It seems to me that "adequate" is intended to leave room for a case by case evaluation?

If my memory is correct, the pre-1997 wording in Part 141 specified a certain number of hours for a stand alone pilot ground school course, but one of the changes in 1997 to Part 141 was a change that led to the wording "adequate". If so it would seem that the intent of the change was to allow for approval of a ground school course with other than the 30 hours or 35 hours of ground training?

**ANSWER:** Ref. Part 141, Appendix L, paragraph 3(b); The purpose for Appendix L in Part 141 is to permit a pilot school (and provisional pilot school) to be approved for a training course that is for aeronautical knowledge training

only. The way to apply paragraph 3(b) in Appendix L of Part 141 [*i.e.*, “(b) An adequate number of total aeronautical knowledge training hours appropriate to the aircraft rating and pilot certificate level for which the course applies”] is to review the minimum required amount of time for aeronautical knowledge training as found in Appendixes A, B, C, D, E, F, G, H, I, J, and K of Part 141 (*i.e.*, “. . . aeronautical knowledge training hours appropriate to the aircraft rating and pilot certificate level for which the course applies”).

For example, for a Private Pilot-Airplane ground school course requires that the training course be at least 35 hours of aeronautical knowledge training [*See* paragraph 3.(a)(1) of Part 141, Appendix B].

Another example, for an initial Instrument-Airplane ground school course is at least 30 hours of aeronautical knowledge training [*See* paragraph 3.(a)(1) of Part 141, Appendix C].

In accordance with § 141.55(d) and (e), a pilot school may request approval for a training course that contains fewer hours of training than that required by Part 141, Appendix B, paragraph 3.(a)(1); and in Part 141, Appendix C, paragraph 3.(a)(1). But the pilot school must receive initial approval for a reduced time course and then prove to the FAA that it can train students in fewer hours than that required by the appropriate Appendix in Part 141. However, a pilot school may not be approved for examining authority for a course of training that contains fewer hours of training than that required by Part 141.

There were 2 primary reasons why the word “adequate” was written into paragraph 3(b) of Part 141, Appendix L. The first reason was to address the relief provided by § 141.55(d) and (e) that allows a pilot school to request and receive approval for a course of training with less training time than the requirements in the appropriate Appendixes of Part 141. The second reason why the word “adequate” was written into paragraph 3(b), Appendix L of Part 141, was to conduct a ground training course only for those training courses listed in Appendix K of Part 141 because some of the training courses do not specify a certain amount aeronautical knowledge training time (*See* paragraph 8 [Test Pilot Course] and paragraph 9 [Special Operations Course] of Appendix K, Part 141).

And another reason just to provide some history of why the word “adequate” was written into paragraph 3(b) of Appendix L, Part 141, the writer/editor member of our rulemaking team during the rewrite of Part 141 back in 1997 felt that putting another “appropriate” in that paragraph was one too many uses of the word “appropriate.” I will admit the word “adequate” in paragraph 3(b) of Appendix L, Part 141 may be somewhat confusing. There may have been a way to have written it differently, but at the time I couldn't think of any other way.

{Q&A-606}

## Part 141 Miscellaneous Questions

**QUESTION:** In a Part 141 pilot school, does the flight instructor sign the FAA Form 8710-1 application? Or does the pilot school's Chief Instructor sign the Air Agency's Recommendation? And if so, what information goes on the last blank of the Air Agency's Recommendation space on the form?

**ANSWER:** Ref. § 61.39(a)(6); A recommending instructor's signature is not required on the “Instructor's Recommendation” on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application for a graduate of an approved Part 141 course who has been issued a graduation certificate.

According to the Airmen Certification Branch, AFS-763, at the FAA's Civil Aviation Registry in Oklahoma City, OK, the procedures require that the Chief Instructor complete and sign the “Air Agency's Recommendation” on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application. No recommending instructor signoff is required on the FAA Form 8710-1, Airman Certificate and/or Rating Application. That is the acceptable procedure/practice and is what the examiners who work for the FAA's Airmen Certification Branch, AFS-763 look for.

{Q&A-630}

**QUESTION:** May a individual with only a CFI-A certificate be the chief instructor for a ground school only course for private pilot helicopter?

ANSWER: Ref. § 61.193; No, a flight instructor who does not hold a helicopter rating on his flight instructor certificate may not serve as the chief instructor of a Part 141 private pilot helicopter ground school course. Per § 61.193, "A person who holds a flight instructor certificate is authorized within the limitations of that person's flight instructor and ratings to give training and endorsements that are required for, and relate to . . ." Otherwise, that means a person who only holds a Flight Instructor Certificate Airplane [Single Engine or Multiengine] can only give training and endorsements that are required for, and relate to Airplanes [Single Engine or Multiengine] as appropriate.

{Q&A-616}

QUESTION: Per § 61.129(c)(3)(i), it states "(i) 10 hours of instrument training in an aircraft." Why was the instrument training at the commercial pilot certification level for the helicopter rating allowed to be done in any kind of aircraft and not the helicopter? Was this intentional?

ANSWER: Ref. § 61.129(c)(3)(i), Yes, allowing the instrument training at the commercial pilot certification level for the helicopter rating was written that way intentionally. Per the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Final Rule" [62 FR 16269; April 4, 1997], the FAA stated:

"The FAA concurs with the comments of HAI and others that instrument training may be impractical in helicopters and gyroplanes and has accordingly removed category- and class-specific references to the instrument training requirements in § 61.129 for helicopters and gyroplanes."

The basis for HAI's comments were that the helicopter fleet was not instrument equipped to be able to do instrument training for the commercial pilot certificate-helicopter rating. The FAA agreed with HAI's recommendation and revised the language of § 61.129(c)(3)(i) in the NPRM from ". . . Five hours of instrument training in a helicopter . . ." to read "(i) 10 hours of instrument training in an aircraft" in the final rule.

{Q&A-616}

QUESTION: Several students are questioning the authority of a web site (the Parts 61 and 141 FAQ's) when writing an EIR or when defending an action taken based upon the website. Are there any plans to incorporate the guidance in the FAQ's into a more substantial guidance document or to update the FAA Order 8700 order in the near future?

ANSWER: In the past, AFS-800 discussed this question with the FAA Office of Chief Counsel and it was agreed that the Frequently Asked Questions would remain Flight Standards Service policy only. We even asked that the FAA Office of Chief Counsel participate in helping answer the questions by reviewing and editing them. Unfortunately, the FAA Office of Chief Counsel said they did not have an attorney they could devote to our Frequently Asked Questions. Personally, I find the Office of Chief Counsel's decision to not wanting to be involved in the Frequently Asked Questions perplexing in that they have caused several of the Q&As to be changed after I've issued Flight Standards answers. So ultimately the Office of Chief Counsel is involved in the Frequently Asked Questions but only after the Q&As have been issued. The FAA Office of Chief Counsel does reserve the right to force us in Flight Standards to make changes to conform our answers with their legal interpretations.

However, I have responded to this kind of question by providing a disclaimer statement in the Q&A document that states:

Disclaimer Statement: The answers provided to the questions in this website are not legal interpretations. Only the FAA's Office of Chief Counsel and Regional Chief Counsel provide legal interpretations. The FAA's Office of Chief Counsel does not review this website nor does it disseminate legal interpretations through it. However, there are some answers provided in this website where the FAA Office of Chief Counsel's legal interpretations have been reprinted.

The answers in this website address *Frequently Asked Questions* on 14 CFR Part 61 and represents FAA Flight Standards Service policy as it relates to this regulation. The answers are as result of questions asked by FAA Flight Standards Service's Regional Offices, District Offices, and from concerned people from the public. The answers provide for standardization.

and I have answered Q&A-457 which states:

QUESTION: What is the legal status of the Q&A website? Considering the authority of Practical Test Standards, Public Laws, statutes, Federal Regulations, FAA Orders, FAA Notices, FAA Bulletins, legal interpretations, where does the Q/A website fit in the degree of authority in comparison to the other references and rules? Will the Q/A website ever "go away"?

ANSWER: The legal status of the Q&A are as stated on the disclaimer statement on the front page of the Q&A document.

The answers provided in the Q&As, in the order of authority, would probably be No. 7.

1. Public Law/statutes
2. Federal Regulations
3. FAA legal interpretations (for those interpretations that have been updated to conform to the current rules).
4. FAA orders (for those directives/guidance that have been updated to conform to the current rules)
5. FAA notices (for those directives/guidance that have been updated to conform to the current rules)
6. FAA bulletins (for those directives/guidance that have been updated to conform to the current rules)
7. Parts 61 & 141 Frequently Asked Questions, (Q&As)
8. FAA Advisory Circulars

The Practical Test Standards (PTS) are not in the list. The PTS derive authority from Public Law 103-272, § 44703(a) [old § 603 of the Federal Aviation Act of 1958, as amended] which gives the FAA the legal authority to require an individual to be tested by the standards established by the FAA before the FAA is required to issue that individual an FAA airman certificate. § 61.33, provides the FAA the legal authority to conduct knowledge tests and practical test. {Q&A-457}  
{Q&A-614}

QUESTION: Can we get a national policy that would allow an approval stamp on the list of effective pages on a TCO instead of the current requirement of stamping every page?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, page 142-8, Section 2, paragraph 5. D.(1); I agree with you that this practice is a waste of time of our ASIs and ASTs. I never liked stamping pages when I was out in the field office.

I will raise this question to my manager's attention to see if a change can be made to the procedure that will require a submitted TCO to contain a change page that will require an ASI's or AST's signature acknowledging and approving the change.

I know the reason why it is done is so a pilot school doesn't slip in a change to their training course without receiving FAA approval. However, the chances of that being done are of small consequence as far as I'm concerned. Anyway, the FAA always has the authority to check a TCO at the pilot school against the TCO on file at the FSDO (*See* § 141.21) to see if the TCOs are the same.  
{Q&A-614}

QUESTION: Per § 119.33, it requires a person who holds a Part 121 or Part 135 air carrier operating certificate to be a citizen of the United States. Is there any such requirement under Part 141?

ANSWER: Ref. Part 141 [Locate in the back of the Part 141 Q&As under Miscellaneous Q&As]; No, there is no such requirement under Part 141 that requires the owner of a pilot school to be a U.S. citizen.  
{Q&A-580}

QUESTION: What class of medical certificate does a chief instructor for a Part 141 pilot school need to hold?

ANSWER: Ref. § 61.23(a)(3)(iv); A chief instructor for a Part 141 pilot school need only hold a 3<sup>rd</sup> class medical certificate and only if the chief instructor is acting as the PIC or is serving as a required pilot flight crew member. If a chief instructor is not acting as the PIC or serving as a required pilot flight crew member, then per § 61.23(b)(5), the chief instructor needn't hold a medical certificate.  
{Q&A-580}

## NOTICE

The “Part 61 Frequently Asked Questions” and the “Aeronautical Experience Checklist” are in separate documents and are located on the AFS-800 Webpage <<http://www.faa.gov/avr/afs/afs800>> at –

<<http://www.faa.gov/avr/afs/afs800/docs/pt61FAQ.doc>> which are the Part 61 FAQs

<<http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>> “Aeronautical Experience Check List” which is a file that contains an aeronautical experience checklist to assist in checking an applicant’s FAA Form 8710-1-Airman Certificate and/or Ratings or a Part 141 Pilot School’s required training hours.