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

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 18 2011

Arlynn McMahon
Aero-Tech, Inc.
4330 Hangar Drive
Lexington, KY 40510

Dear Ms. McMahon:

This letter responds to the request for a legal interpretation that you mailed to this office on September 12, 2010. Specifically, you have asked several questions pertaining to the "training" required by 14 C.F.R. § 141.79.

Under part 141, each flight instructor used for flight training must hold a flight instructor certificate with ratings for the approved course of training and any aircraft used in that course. 14 C.F.R. § 141.33(a)(3). In addition, § 141.79(d)(1) requires that, prior to receiving authorization to train students in a flight training course under part 141, each certificated flight instructor must: "(i) accomplish a review of and receive a briefing on the objectives and standards of that training course; and (ii) accomplish an initial proficiency check in each make and model of aircraft used in that training course in which that person provides training." Instructors must receive a recurrent proficiency check in one of the aircraft in which they will be instructing every 12 calendar months. 14 C.F.R. § 141.79(d)(2).

You have asked whether an individual must hold a flight instructor certificate and be employed by a pilot school before satisfying the requirements of § 141.79(d)(1). Part 141 requires a pilot to be fully qualified prior to providing flight training under an approved course of training. It is our position that the qualifications and requirements to provide instruction under part 141 are relevant at the point the instructor begins to provide instruction. As such, a pilot may receive the briefing and the proficiency check required by § 141.79 prior to the pilot's employment and successful completion of the flight instructor practical test. It is noted that a flight instructor must accomplish a recurrent proficiency check every 12 months and, therefore, cannot rely on an outdated proficiency check in order to provide instruction under part 141.

You have also asked whether successful completion of the final progress check for your school's initial flight instructor course satisfies the requirements for the initial proficiency check in § 141.79(d)(1)(ii). You explain in your letter that you frequently hire your most skilled students as flight instructors upon successful completion of this course. You have indicated that you would like to use the end-of-course progress check to satisfy the requirements of the § 141.79(d) proficiency check. Successful completion of an end-of-

course progress check does not automatically satisfy the requirements of the pilot proficiency check. The part 141 pilot school must demonstrate that the scope of the items in the final progress check fully encompasses the requirements for a pilot proficiency check. Additionally, the progress check would need to be administered by an employee of the school who is authorized to conduct both the final progress check and the instructor proficiency check. See §§ 141.79(d), 141.85(c). We further note that § 141.79(d)(1)(ii) requires that an instructor complete an initial proficiency check in all of the aircraft in which he or she will provide instruction. If the pilot completes an end-of-course progress check that satisfies the proficiency check required by § 141.79, then that pilot would be limited to providing instruction in the make and model of aircraft in which proficiency check was completed unless the pilot school administers additional proficiency checks to the instructor in other aircraft.

This response was prepared by Anne Moore, an Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Certification and General Aviation Operations Branch of Flight Standards Service. We hope this response has been helpful to you. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel Regulations Division, AGC-200