

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9210; Amdt. 141-8]

PART 141—PILOT SCHOOLS

Quality of Instruction

The purpose of these amendments to Part 141 of the Federal Aviation Regulations is to provide for more effective FAA evaluation of the quality of instruction given by approved pilot schools at any stage before, as well as after, graduation.

As proposed, the rule will now apply to certificated pilot schools the "eight out of 10" standard already applied to approved training courses. This will remove a previous ambiguity on what group of persons the 80-percent standard should refer to. It also applies the standard to the most recent graduates of schools on their first test, instead of applying the previous standard under which repeated test failures by an applicant would not count against the quality level of instruction. The rule will also now apply the pre-graduation quality testing techniques of § 141.11(c) to all situations, instead of only to the two "proficiency" pilot training courses to which it has applied. These amendments also assure that the final progress check in a primary, commercial, or instrument flying school is course test time, and not FAA test time.

These amendments were proposed in Notice 68-26 issued on October 17, 1968, and published in the FEDERAL REGISTER on October 25, 1968 (33 F.R. 15806). Eight public comments were received on the notice. One comment concurred with the proposal; the others did not.

Two comments stated that the proposal was unnecessary, too restrictive, or too harsh. The notice proposed to use findings based on tests given by designated examiners, in evaluations under the "eight out of 10" standard, in addition to those already given by FAA inspectors to graduates of pilot training courses. Upon further attention, it is considered that a broader and more fair base would be obtained by limiting the quality evaluation to those recent graduates who are tested by FAA inspectors. In this manner, the evaluation is wholly within the normal spot checking activities of

FAA inspectors, the amount of which may be increased when the inspector has reason to check more frequently. It has therefore been determined not to expand the area of evaluations to include tests by designated examiners.

According to another comment, the provision should read "seven out of 10 most recent" instead of "eight out of 10 most recent," since the usual passing standard on a test is 70 percent. However, these two standards apply to unrelated circumstances, and the "eight out of 10" standard for approved pilot schools is of long standing.

Another comment observed that there is no similar monitoring of instructors' performance outside of approved school curriculums. However, the comment overlooks the fact that certificated flight instructors are subject to biennial practical testing for renewal of their certificates, a technique that is more feasible as to them but not practicable for application to approved schools. Furthermore, the flight instructor testing requirement does in fact contemplate consideration of the instructor's flight instruction record, for purposes of the scope of the test.

Another comment agreed in principle, but would apply the standard to courses overall rather than to each course. However, this procedure would not enable the FAA to take corrective action with respect to particular courses that were deficient.

According to another comment, the rule change implies that failure to meet the standards would result in loss to the school of FAA approval. The failure of a school to meet the standards in the rule does not necessarily require the suspension or revocation of the school's certificate or termination of a pilot training course approval. Where failure does occur, the FAA will continue to take appropriate corrective action under its established enforcement proceedings, including discussion and understanding, and curriculum changes.

One comment opposed the proposal to substitute the word "graduation" for the initials "FAA" in appendices A and B, contending that this was a subterfuge to add more time to the various courses. This assertion is incorrect, for it entails an assumption that the applicant has passed the FAA flight test before graduating from the school.

After reviewing the proposed amendments in the light of comments received,

it has been determined to issue the amendments as proposed, for the reasons stated in Notice 68-26, but with the modification discussed herein.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented.

In consideration of the foregoing, Part 141 of the Federal Aviation Regulations is amended as follows, effective October 25, 1969:

1. By amending paragraph (a) of § 141.11 to read as follows:

§ 141.11 Quality of instruction.

(a) Each certificated pilot school shall provide instruction of such quality that—

(1) Of its graduates of each pilot school curriculum or approved pilot training course who apply for a pilot certificate or rating within 60 days after they are graduated, at least eight out of the 10 most recent graduates tested by an FAA inspector qualify for the particular certificate or rating on their first test; and

(2) Of the students enrolled in any pilot school curriculum or approved pilot training course who are questioned, tested, or flight checked under paragraph (c) of this section, at least eight out of the 10 most recently checked show competence in the items of the school curriculum or course in which they are enrolled and that have, according to the school schedule and records, been covered in that curriculum or course.

2. By striking out the initials "FAA" in paragraph (d) (4) of Appendix A, and substituting the word "graduation" therefor.

3. By striking out the initials "FAA" in paragraph (d) (4) of Appendix B, and substituting the word "graduation" therefor.

4. By adding a new subparagraph (3) to paragraph (d) of Appendix C to read as follows:

(d) Progress checks. . . .

(3) Final (for graduation certificate).

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1969.

D. D. THOMAS,
Acting Administrator.

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