

Subj: Supervised Solo of Student Pilots
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From: soaringssafety@mindspring.com (Soaring Safety Foundation)
To: Undisclosed-Recipient::@mindspring.com;;

SSAI's

In recent months, we have received a number of questions concerning the definition of "Supervised Solo" as it relates to flight instructor responsibility to oversee the flight operations of student pilots. The following article was written by Pat Costello for the Soaring Safety Foundation and the SSA Instructors.

Billy Singleton

CFI SUPERVISION AND AVIATION INSURANCE CONTRACTS

Flight Instructors usually concern themselves with FAA requirements, teaching techniques, aircraft, but seldom insurance requirements. That is because they have access to the FAR's, teaching techniques, and aircraft on a daily basis. Seldom, if ever, will they see an aviation insurance policy, let alone remember its content. Yet, violating an insurance contract can be a very costly affair.

The following is a discussion of one very important clause in aviation insurance contracts that flight instructors should be very aware of. It is the Direct Supervision Clause. This clause applies to the operation of the insured aircraft while in flight (from when the aircraft begins its takeoff roll to when it turns off the runway at the end of flight) by a student pilot. Nearly all aviation insurance policies contain such a clause when student pilot operations are permitted. The typical clause says: Student pilots must be under the direct supervision of and receive approval from an FAA certified flight instructor for every flight until the pilot acquires their private license. Contract wordings differ between insurance carriers but the intent is the same.

The controversy arises when the student pilot asks just what 'direct CFI supervision' means. If one goes to the Definitions Section of an aviation insurance contract to locate the answer nothing will be found. Typically, the student must contact the carrier or the carrier's agent for the definition. The key to understanding the clause is the words 'Direct Supervision'. One can apply some logic to their meaning by asking some questions:

1. Can a CFI supply direct supervision if he/she is not on site to evaluate the airport, aircraft, proposed flight, the flight conditions, and the student just before departure? Ans. No.
2. Can a CFI evaluate all this from their home, their car enroute to the airport, or at the other end of the airport? Ans. No, they can't.
3. To provide direct supervision must one be on-site just prior to the student's departure? Ans. Yes.

The insurance carriers paid too many claims over the years prior to having the Direct Supervision Clause in their contracts. Losses that could have been prevented had only a CFI been on site to evaluate conditions prior to letting the student pilot depart.

The insurance carriers providing coverage for student pilot solo losses will ask these questions, "Was a CFI on site just prior to the student's departure? At that time, did the CFI give their approval to the student to make that flight?" If the answer to either question is no the insurance carrier has grounds to deny the claim.

The next question typically asked is, "Does it have to be the same CFI every time?" The answer may depend on the of the Direct Supervision clause found in the aircraft owner's insurance policy. The generic answer is --No.

The policies don't usually specify the CFI's qualifications when it comes to direct supervision. But it is suggested the CFI be qualified to give instruction in that category, class and type aircraft. It is possible a CFI could be held negligent were he to supply a replacement who is, i.e. a helicopter CFI to back him up with a glider student. The carriers understand the difficulty in having the same CFI on site for their student's solo flights. Should a backup CFI be arranged for be sure they are briefed about being on site and providing specific approval for the student's flight just prior to departure.

Sometimes we are asked about the need for a CFI approval just prior to takeoff on the second or third leg of a solo cross-country flight. The carriers are aware student's must land on many of their solo cross-country flights. Their concern is with the initial departure flight not the legs. The exception is if the student must layover prior to initiating the next leg of the flight. A carrier facing a large loss could contend departure under those circumstances constitutes a separate flight and may deny coverage without CFI approval on-site at that airport just prior to departure. So educate your students on CFI Direct Supervision.

Is the approval to be done in written form? That would be the best approach. However, it is not required. In one way or another, the carrier must be convinced a CFI was on-site and gave specific approval to the student to make that solo flight for coverage to apply.

Making sure coverage applies after a loss is certainly an important reason to provide Direct Supervision for all student solo flights, but the most important reason is loss prevention. Here is an example.

One Saturday a student pilot was waiting to be hooked up for a glider tow from a grass strip. Just before the flight his CFI walked out to the glider and advised the student the grass was too tall. That he will have to wait for it to be mowed. The student pulled out of line. A private pilot hooked up and ground looped on the takeoff roll. That CFI was on-site to evaluate the conditions, determined it was too risky, and prevented a loss. Had the CFI been anyplace else he may not have been able to make that determination.

CFI's working for flight schools, clubs, or private aircraft owners teaching primary student pilots should assume the insurance policy applicable to that aircraft has a student pilot clause requiring CFI Direct Supervision prior to every student solo flight.

Fun flying to all!

Pat Costello
President, Costello Insurance

Pat Costello is a CFI with over 4,000 hours who has been in aviation insurance since 1976.