

EXHIBIT 43



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

Office of Counsel
Tel. 518-474-6400
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Gerald Sroufe
Director of Governmental Relations
American Educational Research Association
1430 K Street, NW
Suite 1200
Washington, DC 20005

Dear Mr. Sroufe:

The New York State Education Department (NYSED) wishes to incorporate by reference the "Standards for Educational and Psychological Measurement (1999)" ("the Standards") into a proposed amendment of Part 30 of the Commissioner's regulations, relating to Teacher and Principal Evaluations.

Upon adoption of the proposed amendment incorporating the Standards, New York Executive Law §102 requires NYSED to file two copies of the Standards with the New York State Department of State (NYS DOS), and those copies will be available for public use at NYSDOS's offices at One Commerce Plaza, Albany, New York. A copy of the Standards will also be kept and made available for public use at NYSED's offices at the State Education Building, 89 Washington Ave, Albany, New York. In addition, NYSDOS and NYSED will, as required by State law, make a photocopy of all or any part of the Standards upon request of any person. The statutory fee for any such photocopy is \$.25 per page. New York Executive Law §102 also requires NYSED to submit a copy of the Standards to the New York State Legislative Library and to each of the thirteen State Supreme Court Libraries, and that such copies be made available for public use, and for photocopy at \$.25 per page.

It is our understanding that the American Educational Research Association, the American Psychological Association and National Council on Measurement in Education hold the copyright to the Standards. In signing this letter, you agree that such limited reproduction and distribution under New York State Law, is a fair use of the Standards and that such use will not violate the copyright interest. Your signature below will confirm that you are authorized to grant permission to NYSED to use the Standards as set forth above, and that you agree to grant such permission.

Agreed to by:

Gerald Sproffe
Name

GERALD SPROFFE

ADMINISTRATIVE OFFICER
Title

5/11/11
Date

OF AERA, THE PUBLISHER
OF THE 1999 STANDARDS,
ON BEHALF OF THE STANDARDS
MANAGEMENT COMMITTEE