

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION

NOTICE OF PUBLIC HEARING

Pursuant to Sections 91-3 and 92-41, Hawaii Revised Statutes, notice is hereby given that the Department of Human Services (DHS) will hold a public hearing to provide an opportunity to comment on the proposed repeal of Hawaii Administrative Rules (HAR) Chapter 17-799, Preschool Open Doors Program, and the proposed adoption of Chapter 17-799.1, Preschool Open Doors Program, for the Benefit, Employment and Support Services Division for the purpose of conforming to state statutes and program expansion. Brief descriptions of the proposed rulemaking actions and rules are listed below.

REPEAL of CHAPTER 17-799, PRESCHOOL OPEN DOORS PROGRAM

Chapter 17-799, Hawaii Administrative Rules, entitled “Preschool Open Doors Program” is proposed to be repealed.

PROPOSED ADOPTION OF CHAPTER 17-799.1, PRESCHOOL OPEN DOORS PROGRAM

The proposed chapter 17-799.1, Preschool Open Doors Program, establishes the rules governing the administration and implementation of the program as authorized under Section 346-181, Hawaii Revised Statutes.

§17-799.1-1 Purpose

This section states the purpose of the chapter.

§17-799.1-2 Definitions

This section provides definitions to the following terms which are referenced within the chapter:

- Accredited;
- Adequate notice;
- Applicant;
- Application;
- Application period;
- Background check;
- Benefit month;
- Budget month;
- Caregiver;
- Caretaker;
- Child;
- Child care;
- Co-payment;
- Department;
- Domestic violence;

Eligibility period;
Exempt or exempt center-based provider;
Experiencing homelessness;
Family unit;
Federal Poverty Guidelines or FPG;
Gross income;
Group child care center or GCC;
Group child care home or GCCH;
Hanai
Hawaiian-medium center-based care;
Limited English proficiency;
Low-income;
Minor;
Moderate income;
Monthly gross income limit;
Non-recurring lump sum;
Overpayment;
Payment month;
Power of attorney;
Preschool;
Prospective budgeting;
Relative;
Report form;
Reside with;
Self-employment;
Special populations referral;
Specified program year;
State fiscal year;
Temporarily absent;
Temporary assistance to needy families or TANF;
Timely notice; and
Underpayment.

§17-799.1-3 Confidentiality. This section provides for confidentiality as provided in chapter 17-601.

§17-799.1-4 Scope. This section outlines the scope of child care services under this chapter.

§17-799.1-5 Application period. This section describes the application period for each specified program year under this chapter.

§17-799.1-6 Application process. This section describes the application process for child care payments under this chapter.

§17-799.1-7 Family unit eligibility requirements. This section describes the family unit eligibility requirements that family units must meet to be eligible for child care payments under this chapter, including monthly gross income; and that a child receiving child care payments under this chapter

shall not be eligible to receive child care payments under chapter 17-798.3 for the same preschool provider or same type of care.

§17-799.1-8 Income considered in eligibility determination. This section describes the methods of calculating the monthly gross income for the family unit; the types or sources of income that are counted under this chapter.

§17-799.1-9 Excluded monthly income. This section describes the types or sources of income that are excluded from consideration under this chapter.

§17-799.1-10 Program enrollment. This section describes the process for program enrollment, including selection of a preschool that meets the requirements of section 17-799.1-11 and ensuring submission of the early learning assessment to the department.

§17-799.1-11 Program qualifications for preschools. This section outlines the requirements for a preschool chosen by the caretaker for child care payments under this chapter.

§17-799.1-12 Accreditation. This section indicates that a preschool may be accredited and describes the accreditations that are eligible for the payment rate under section 17-799.1-13.

§17-799.1-13 Child care rates. This section outlines the payment rates provided under this chapter.

§17-799.1-14 Method of computing the family unit's co-payment. This section describes the process for calculating the family unit's co-payment.

§17-799.1-15 Method of computing child care payment. This section outlines the calculation of the child care payment under this chapter; the calculation of the initial payment; and that the family unit is responsible for any child care costs in excess of the child care payment that shall be paid directly to the preschool.

§17-799.1-16 Child care payments. This section outlines the timing of and the process for issuance of child care payments under this chapter.

§17-799.1-17 Mandatory reporting. This section describes the situations in which changes must be reported to the department within ten days of occurrence; and the timeframe for implementing changes to child care payment amounts.

§17-799.1-18 Continued eligibility and payment amount. This section outlines the process for continued eligibility of a family unit when the child is not eligible for kindergarten entry for the next specified program year.

§17-799.1-19 Waitlisted applicants. This section describes the process for establishing a waitlist; notification of placement on the waitlist; periodic reevaluation of availability of funding; any additional criteria when necessary for the department to determine the order of selection from the waitlist when the chronological order of the date when the department received the approved

application is the same; and requirements for waitlisted applicants that are selected for program enrollment.

§17-799.1-20 Denial, reduction, suspension, or termination of child care payments. This section describes the circumstances when the department shall deny, reduce, suspend, or terminate child care payment under this chapter.

§17-799.1-21 Notices. This section provides the requirements of notices from the department to applicants or caretakers regarding disposition of an application, placement on the waitlist, or the taking of an adverse action for child care payments under this chapter.

§17-799.1-22 Administrative appeal requests. This section provides for the opportunity, when applicable, for requesting an administrative appeal in writing.

§17-799.1-23 Underpayments and overpayments. This section describes the circumstances when an underpayment or overpayment is created; that the caretaker is subject to recovery of an overpayment; the available methods for repayment to the department; and the criteria for tax setoff of an outstanding overpayment.

§17-799.1-24 Termination for insufficient funds. This section outlines the process the department may take when there are insufficient funds to pay child care payments at the current amounts through the end of the state fiscal year, which may include not accepting applications, not enrolling waitlisted applicants, reducing payments, or terminating payments. It also provides additional criteria when necessary for the department to determine the order of reducing or terminating payments when the chronological order of the date when the department received the approved application is the same.

Exhibit I

The exhibit specifies the co-payment sliding fee scale levels based on family unit's income level based on household size for the 2025-26 program year.

Exhibit II

The exhibit specifies the co-payment sliding fee scale levels based on family unit's income level based on household size for the 2026-27 program year.

The public hearing will be held on:

Monday, April 20th, 2026, at 9:00 a.m.

This will be a virtual event using Microsoft Teams (Teams). There are two (2) ways to participate in the public hearing: online via Teams or by telephone, or by submitting written testimony. All interested persons are invited to attend the virtual hearing and present relevant information to state their views relative to the proposed rules either orally or in writing for the department to consider.

Virtual via Internet or Telephone: Persons may present live video testimony via the internet or oral testimony via telephone, during the virtual public hearing. To virtually participate in the hearing, a computer with internet access, video camera, and a microphone, or a telephone is required. To attend, please email your request at least 48 hours prior to the hearing date above, to BESSD.CCPO@dhs.hawaii.gov, to receive the weblink to attend the virtual hearing via Teams. In your email request, please include your email address, full name, and telephone number. A confirmation will be sent to you with instructions, a link to join the virtual public hearing, and a call-in telephone number.

Written Testimony: Persons may submit written testimony via email or postal delivery. Written testimony must be received by 4:30 p.m. on **Monday, April 20th, 2026**, at:

Email: BESSD.CCPO@dhs.hawaii.gov
Mail: Department of Human Services
Benefit, Employment and Support Services Division
Child Care Subsidy Program Office
1010 Richards Street, Suite 512
Honolulu, HI 96813

A copy of the proposed rules will be available via the DHS website at:
<http://humanservices.hawaii.gov/admin-rules-2/proposed-rules/> or by calling (808) 586-7053 during regular business days and hours, Monday through Friday, excluding holidays, from 7:45 AM to 4:30 PM, to request a copy at NO COST to any interested person, or by writing to:

Department of Human Services
Benefit, Employment and Support Services Division
Child Care Subsidy Program Office
1010 Richards Street, Suite 512
Honolulu, HI 96813

If you need any auxiliary aid/service or other accommodations due to a disability or visual or hearing impairment, please contact the Child Care Subsidy Program Office as soon as possible at (808) 586-7053 or BESSD.CCPO@dhs.hawaii.gov. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.



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