There are no statutory or constitutional problems with the state administration's plan to use a federal fund windfall to start the A+ after-school program in February, state legislators were told yesterday.

Lt. Gov. Ben Cayetano gave lawmakers copies of a legal opinion from Jon Van Dyke, professor of constitutional law at the University of Hawaii School of Law, supporting a November opinion from state Attorney General Warren Price.

State senators this morning were to begin their first public hearing on the controversial after-school child-care program for public elementary school students whose parents are employed.

Cayetano said he asked for a second opinion after state Sen. Russell Blair continued to question the legality of the program. Van Dyke, a constitutional law professor for 21 years, is well known to legislators and once was Blair's teacher, Cayetano said.

Van Dyke said the dispute about the A+ program raises important questions about the separation of powers and the process by which state government spends money.

But, he said the Legislature has delegated authority to the executive branch to use new federal funds for purposes identified by the Legislature.

This delegation of authority does not violate the fundamental constitutional principles of the separation of powers nor the state constitution, Van Dyke said.

Price and Van Dyke said the Legislature authorized the Department of Education to establish after-school programs in 1972.

Van Dyke also said the use of federal funds for the A+ program does not violate the state's expenditure ceiling because "Hawaii's Constitution recognizes that federal funds are to be treated differently from funds generated by state taxes."

The state intends to finance the A+ program during the 1990 spring and fall semesters with about $14 million of unanticipated federal impact aid.