



Tennessee Education Savings Account Program

When an ESA Student Reaches Age 18

When a student turns 18, they are no longer considered a minor and have the right and responsibility to make certain legal choices, including the right to sign contracts. Once your student becomes a legal adult on his/her 18th birthday, your student will assume the educational rights previously held by you, the parent or guardian. Because of this, when a student participating in the Education Savings Account (ESA) reaches 18 years old, decisions must be made about the management of the student's ESA to remain compliant with state and federal law and ESA requirements.

Upon reaching the age of majority, your student can choose to become the account holder and assume all the rights and responsibilities of managing their own ESA. However, if your student determines that they want you, the parent or guardian, to retain control of their ESA account as the account holder, your student can sign a Power of Attorney (P.O.A.) or you, as the parent or guardian, can obtain a conservatorship through a Court. Once your student turns 18, you and your student must choose the best option for your family, as detailed below.

Failure to choose an option below and provide the necessary documentation could result in a hold being placed on the ESA account and/or potentially losing some or all of your ESA funds.

At age 18, the student or parent must complete one of the following options to continue participation in the ESA Program during the current year, to renew an ESA for the coming school year, or to retain an ESA for post-secondary participation.

Option 1: Retain Parental Control as Account Holder

- The 18-year-old student can sign and submit a **notarized Power of Attorney** document that conforms with Tenn. Code Ann. § [34-6-101](#) et seq., and states that the attorney-in-fact (the parent applicant) has the authority to make the following decisions and continue as the custodial account holder:
 - 1) educational decisions regarding placement and participation of the student in the ESA Program; and
 - 2) banking and financial decisions and transactions as limited to management, control, and access of the ESA funds.
- The parent applicant can also provide the department with documentation from a Court showing that he or she has been appointed as **conservator** of the student. The documentation must explicitly state that the conservator has the ability to make educational and financial decisions for the student.

If you choose this option, a valid, signed, and notarized **Power of Attorney or Conservatorship** must be provided in full to ESA.Questions@tn.gov.

Option 2: Transfer Account Holder to Student

If your student decides to manage his or her own ESA account, the student needs to submit the following documents when he or she reaches age 18 years old:

- ESA Program Application
- Program Assurances
- Account Holder Contract
- Funding Pre-Approval Form
- Family Educational Rights to Privacy Act (FERPA) Waiver
- E-wallet account access

Contact the ESA Program at ESA.Questions@tn.gov for more information or call 615-741-9360 to leave a voicemail for program staff.