

Finding by the U.S. 9th Circuit Court of Appeal

Gurdev Kaur Cheema v. Harold Thompson 67 F.3d 883 (9th Cir. 1995)

The panel of Justices on the Appellate Court reversed the district court's ruling. As to the school district's interest in the safety of its students, the majority of the Justices stated that the school district had produced no evidence of any attempt to accommodate the Cheemas' religious practices (make changes in their rules to help them be able to wear the kirpan). It noted that other school districts allow kirpans (with various limitations), and that there was no evidence of school-related kirpan violence. Accordingly, the majority held that the school district had not carried its burden of showing that its no-knives policy was the least restrictive means of furthering its safety interest.

The court imposed a plan of accommodation which included the following provisions:

1. The kirpan will be . . . a dull blade, approximately 3 - 3 1/2 inches in length with a total length of approximately 6 1/2 - 7 inches including its sheath;
2. The kirpan will be sewn tightly to its sheath;
3. The kirpan will be worn on a cloth strap under the children's clothing so that it is not readily visible;
4. A designated official of the school district may make reasonable inspections to confirm that the conditions specified above are being adhered to;
5. If any of the conditions specified above are violated, the student's privilege of wearing his or her kirpan may be suspended; and
6. The school district will take all reasonable steps to prevent any harassment, intimidation or provocation of the Cheema children by any employee or student in the school district and will take appropriate disciplinary action to prevent and redress such action, should it occur.